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P. 11.

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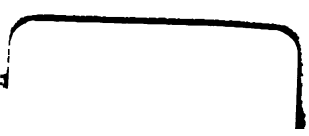
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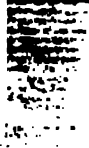
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1717







THE
Statutes at Large.

Anno sexto GEORGII III. *Regis.*

Being the FIFTH Session of the
Twelfth Parliament of GREAT BRITAIN.

BY
DANBY PICKERING, of GRAY'S INN, Esq;



THE
Statutes at Large.

FROM ⁹²⁹¹
MAGNA CHARTA

To the END of the
Eleventh Parliament of GREAT BRITAIN.

Anno 1761.

CONTINUED.

By **DANBY PICKERING**, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.



A
T A B L E
OF THE
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno sexto*

GEORGI II. *Regis.*

P U B L I C K A C T S.

Cap. 1. **T**O continue an act made in the last session of parliament, intituled, *An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time.*

Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty six.

Cap. 3. For allowing the importation of corn and grain, from his Majesty's colonies in *America*, into this kingdom, for a limited time, free of duty.

Cap. 4. For allowing the importation of oats and oatmeal into this kingdom, for a limited time, duty-free.

Cap. 5. To prohibit the exportation of corn, grain, malt, meal, flour, bread, biscuit, and starch, for a limited time.

Cap. 6. For extending the provisions of an act made in the last session of parliament, for the more easy and speedy recovery of small debts within the hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rakesley* otherwise *Runley*, and of *Little and Lessness*, in the county of *Kent*, to the hundred of *Wallington* in the county of *Surrey*.

Cap. 7. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further

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ther time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to the several acts of parliament now in force for that purpose, or, having been stamped, have been lost or mislaid, and for allowing them time to provide admissions duly stamped.

Cap. 7. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 9. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty six.

Cap. 10. For the regulation of his Majesty's marine forces while on shore.

Cap. 11. To repeal an act made in the last session of parliament, intituled, *An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.*

Cap. 12. For the better securing the dependency of his Majesty's dominions in *America* upon the crown and parliament of *Great Britain*.

Cap. 13. To remove a doubt concerning such part of an act made in the last session of parliament, as relates to the ascertaining of the duties upon the importation of certain linen cloth of the manufacture of *Russia*; and to obviate all doubts with respect to the importation of tea, under certain licences authorized to be granted by an act made in the eighteenth year of the reign of his late Majesty.

Cap. 14. For repealing the duties granted upon cyder and perry by an act made in the third year of his present Majesty's reign; and for granting other duties on cyder and perry in lieu thereof; and for more effectually securing the duties on cyder and perry imposed by several former acts.

Cap. 15. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty six.

Cap. 16. For the more easy and speedy recovery of small debts within the city of *Bair*, and the liberties and precincts thereof.

Cap. 17. For explaining and amending so much of an act made in the first year of the reign of King *James the Second*, intituled, *An additional act for the improvement of *Widdow**, as relates to the city of *London*.

Cap. 18. To amend and render more effectual, in his Majesty's dominions in *America*, an act passed in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.*

Cap. 19. For the more effectual encouragement of the trade and manufacture of leather gloves and mitts in this kingdom.

Cap. 20.

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Cap. 20. For the more easy and speedy recovery of small debts; within the borough of *Derby*, and the liberties thereof.

Cap. 21. For redeeming one third part of the remainder of the joint stock of annuities, established by an act made in the third year of his present Majesty's reign, in respect of several navy, victualling, and transport bills, and ordnance debentures.

Cap. 22. To regulate the loading of ships with coals in the ports of *Newcastle* and *Sunderland*.

Cap. 23. To amend an act made in the last session of parliament, intituled, *An act for repealing several laws relating to the manufacture of woollen cloth in the county of York; and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths; and for substituting other regulations of the cloth trade within the west riding of the said county; for preventing frauds in certifying the contents of the cloth; and for preserving the credit of the said manufacture at the foreign market.*

Cap. 24. For paving the streets and lanes within the town and borough of *Southwark*, and certain parts adjacent, in the county of *Surrey*; and for cleansing, lighting, and watching, the same; and also the courts, yards, alleys, and passages, adjoining thereto; and for preventing annoyances therein.

Cap. 25. For better regulating apprentices, and persons working under contract.

Cap. 26. For the better paving, cleansing, and enlightening, the city of *London*, and the liberties thereof; and for preventing obstructions and annoyances within the same; and for other purposes therein mentioned.

Cap. 27. To explain, amend, and render more effectual, the powers of an act made in the thirty third year of the reign of his late Majesty, intituled, *An act for widening certain streets, lanes, and passages, within the city of London, and liberties thereof; and for opening certain new streets and ways within the same; and for other purposes therein mentioned.*

Cap. 28. To prohibit the importation of foreign wrought silks and velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the silk manufacture.

Cap. 29. To prevent the fraudulent marking of frame-work knitted pieces, and stockings.

Cap. 30. For applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of *Great Britain* called *England*, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty six; and for explaining, amending, and rendering more effectual, several acts of parliament passed in the second, fourth, and fifth years of the reign of his present Majesty, relating to the raising and training the militia within that part of *Great Britain* called *England*.

Cap. 31. For taking down and removing certain light-houses now standing near the *Spurn Point*, at the mouth of the *Humber*, and for erecting other fit and convenient light-houses in stead thereof.

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Cap. 32. To extend an act made in the fourth year of the reign of King *George* the First, intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons and unlawful exporters of wool, and for declaring the law upon some points relative to pirates*; to that part of *Great Britain* called *Scotland*, so far as the said act relates to the more effectual transportation of felons; and for amending and rendering more effectual the laws for restraining muirburn, in forbidden time, in that part of the united kingdom.

Cap. 33. To enable his Majesty to exchange the lands of *Fernan* and *Lix*, in the county of *Perth*, for other lands belonging to the right honourable *John* earl of *Breadalbane*, in *Pitkellany*, in the said county of *Perth*.

Cap. 34. For widening several streets, lanes, ways, and passages, within the city of *Bristol*, and for opening several new streets and passages within the same; and for explaining, amending, and enlarging, the powers of the several acts passed for paving, cleansing, lighting, and watching, and regulating, the streets, and other places, within the said city and liberties thereof.

Cap. 35. To continue an act made in the thirty second year of his late majesty King *George* the Second, for continuing, amending, explaining, and making more effectual, an act made in the nineteenth year of his said Majesty, more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and other places therein mentioned.

Cap. 36. For encouraging the cultivation, and for the better preservation, of trees, roots, plants, and shrubs.

Cap. 37. To explain, amend, and render more effectual, an act made in the fourth year of his present Majesty's reign, for the better regulating of buildings, and to prevent mischiefs that may happen by fire, within the weekly bills of mortality, and other places therein mentioned.

Cap. 38. For repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights.

Cap. 39. For raising the sum of one million five hundred thousand pounds, by way of annuities and a lottery, to be charged on the sinking fund.

Cap. 40. For explaining and amending such part of an act made in the third year of the reign of his present Majesty, as relates to certain duties on wines imported; for the more easy collecting, and effectually securing, the stamp duties for copies of court rolls; for relief of persons who have omitted to insert in indentures, or other writings, the full sum agreed to be paid with clerks, apprentices, and other servants; for amending such parts of two acts made in the last session of parliament, as relate to certain *East India* goods, and bugles, exported to *Africa*; for permitting a certain quantity of wheat, barley, oats, meal, and flour, to be exported from *Great Britain* to the *Ile of Man*,

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for the use of the inhabitants there; for allowing the exportation of certain quantities of coals, free from the payment of the duty granted by an act made in the last session of parliament, to the islands of *Jersey*, *Guernsey*, and *Alderney*; and for obviating certain doubts with respect to the importation of oats and oatmeal, under the authority of an act made in this present session of parliament.

Cap. 41. For granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty six; and for further appropriating the supplies granted in this session of parliament.

Cap. 42. To continue an act made in the fourth year of the reign of his present Majesty, for importing salt from *Europe*, into the province of *Quebec* in *America*, for a limited time.

Cap. 43. For explaining, amending, and further enforcing, the execution of two several acts, one made in the twenty sixth year of his late Majesty, and the other in the fifth year of his present Majesty's reign, for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for obliging mortgagees taking possession of toll-gates on turnpike roads, and toll-gatherers appointed by them, to account.

Cap. 44. To continue several laws therein mentioned relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the encouragement of the silk manufactures; and for taking off several duties on merchandize exported, and reducing other duties; to the premium upon masts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Majesty's plantations in *America*; to the securing the duties upon foreign made sail cloth, and charging foreign made sails with a duty; and for enlarging the times limited for executing and performing several provisions, powers, and directions, in acts of this session of parliament.

Cap. 45. For allowing a bounty on the exportation of *British* made cordage; and for discontinuing the drawbacks upon foreign rough hemp exported.

Cap. 46. For explaining part of an act made in the second year of the reign of his present Majesty, relating to the removal for home consumption of spirits made for exportation; for laying an additional duty upon the importation of silk crapes and tiffanies; for allowing the exportation of a certain quantity of gum Senega and gum arabic to *Ireland*, free of duty, for the use of the manufacturers there; for permitting the importation into this kingdom, from the Isle of *Man*, of a certain quantity of bugles; and for altering certain regulations relating to the tonnage of ships exporting and importing spirits.

Cap. 47. For laying additional duties on certain spirits imported; and for prolonging the time allowed by law for lodging and keeping in warehouses rum and spirits imported.

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Cap. 48. For the better preservation of timber trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants.

Cap. 49. For opening and establishing certain ports in the islands of *Jamaica* and *Dominica*, for the more free importation and exportation of certain goods and merchandizes; for granting certain duties to defray the expences of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of *Dominica* into this kingdom; and for securing the duties upon goods imported from the said island into any other *British* colony.

Cap. 50. For allowing the conveyance, from the ports of *Southampton* and *Portsmouth* to the port of *Cowes* in the isle of *Wight*, of goods not liable to duty on exportation, or prohibited to be exported, and of sheep and cattle, between the said ports, without coquets being taken, or bonds entered into for that purpose; and for extending an act made in the twenty ninth year of the reign of King *Charles* the Second, for taking affidavits in the country, to be made use of in the courts of *King's Bench*, *Common Pleas*, and *Exchequer*, to the isle of *Man*; and for appointing ports and places for shipping and landing goods in the said island.

Cap. 51. For indemnifying persons who have incurred certain penalties inflicted by an act of the last session of parliament, for granting certain stamp duties in the *British* colonies and plantations in *America*; and for making valid all instruments executed or inrolled there on unstamped paper, vellum, or parchment.

Cap. 52. For repealing certain duties, in the *British* colonies and plantations, granted by several acts of parliament; and also the duties imposed by an act made in the last session of parliament upon certain *East India* goods exported from *Great Britain*; and for granting other duties instead thereof; and for further encouraging, regulating, and securing, several branches of the trade of this kingdom, and the *British* dominions in *America*.

Cap. 53. For altering the oath of abjuration and the assurance; and for amending so much of an act of the seventh year of her late majesty *Queen Anne*, intituled, *An act for the improvement of the union of the two kingdoms*, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or imprisonment of treason.

Cap. 54. For putting the road from *Charges Street* to *Hyde Park Corner*, and from the south end of *Park Lane*, to the north side of *Heriford Street*, in the parish of *Saint George Hanover Square*, in the county of *Middlesex*, now under the direction of the acts for repairing the roads in the parishes of *Kensington*, *Chelsea*, *Fulham*, and *Saint George Hanover Square*, in the county of *Middlesex*, under the management of the commissioners for paving,

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paving, cleansing, and lighting, the squares, streets, lanes, and other places, in *Westminster*.

Cap. 55. To enable *Thomas Kymer* esquire, to make a navigable cut or canal from *Little Gwendraeth River*, near the town of *Kidwely*, to the *Great Forest* and *Pwll Llygod*, in the county of *Carmarthen*.

Cap. 56. For repairing, widening, and keeping in repair, the road leading from *Tunbridge Wells*, in the county of *Kent*, to the cross ways near *Maresfield Street*, in the county of *Suffex*.

Cap. 57. For enlarging the terms and powers of two acts, one of the twelfth of King *George* the First, and the other of the fourteenth of his late Majesty, for repairing the road from *Horsley Upright Gate* to the top of *Kingdown Hill*, in the county of *Wilts*; and for amending several roads near or adjoining to the said road.

Cap. 58. For enlarging the term and powers of an act of the fourth year of his late Majesty, for repairing the road from *Godstone*, in the county of *Surrey*, to *Highgate*, in the parish of *East Grinstead*, in the county of *Suffex*.

Cap. 59. For repairing and widening the road from *Beverley*, by *Molscroft*, to *Kendall-house*; and from *Molscroft* to *Bainton Balk*, in the county of *York*.

Cap. 60. For discontinuing the use of several roads leading into and over *Fisberwick Park*, in the county of *Stafford*; and for building and maintaining a publick bridge cross the river *Tame*, at or near *Elford Mill Ford*, in the said county; and for repairing, and keeping in repair, the road from such bridge to *Hademore Gate*, in the road leading through *Whittington* to *Lichfield*.

Cap. 61. For the better regulation of pilots for the conducting of ships and vessels into and out of the port of *Liverpool*.

Cap. 62. To enlarge and continue the term and powers granted by an act passed in the fourteenth year of the reign of his late majesty King *George* the Second, intituled, *An act for repairing the roads from Doncaster through Ferry Bridge, to the south side of Tadcaster Cross; and also from Ferry Bridge to Weatherby; and from thence to Borough Bridge, in the county of York*; as to so much of the said act as relates to the said roads from *Doncaster* through *Ferry Bridge*, to the south side of *Tadcaster Cross*.

Cap. 63. For the support and preservation of the parish church of *Folkestone*, and the lower part of the town of *Folkestone*, in the county of *Kent*.

Cap. 64. For the better maintaining, regulating, and employing, the poor within the parish of *Saint Botolph, Aldgate*, in the city of *London*.

Cap. 65. To enlarge the term and powers of an act made in the twenty fifth year of King *George* the Second, for repairing the roads from the north end of *Malling-Street*, near the town of *Lewes*, and other roads in the county of *Suffex*; and for amending the road from the *Broil Park Gate*, to the west end of

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the turnpike road leading from the turnpike road on *Hurst-Green*, through the parishes of *Etchingham* and *Burwash*; and from the said *Broil Park Gate* to the town of *Battell*, in the said county.

Cap. 66. For building a bridge cross the river *Thames*, from *Battersea* in the county of *Surry*, to *Chelsea* in the county of *Middlesex*.

Cap. 67. For repairing and widening the road from *Bawtry*, in the county of *York*, to *East Markham* common, in the county of *Nottingham*, and from *Little Drayton* to *Twisford Bridge*, in the said county.

Cap. 68. For repairing and widening the road from the *Cross* or *Market Place* in the town of *Wimborne Minster*, to the *Cross* or *Market Place* in the town of *Blandford Forum*, in the county of *Dorset*.

Cap. 69. For repairing, widening, and keeping in repair, the road leading from *Cromford Bridge*, in the county of *Derby*, to the turnpike road at or near *Langley Mill*, in the said county.

Cap. 70. To remove and regulate the publick markets in the city of *Bath*; for widening certain streets, ways, and passages, within the said city, and the liberties and precincts thereof, and for opening certain new streets and ways within the same; for better paving, cleansing, lighting, watching, and regulating the streets, lanes, ways and passages there, to remove all nuisances and obstructions therein, and to prevent the same for the future; and for better supplying the inhabitants of the said city, liberties, and precincts, with water.

Cap. 71. For enlarging the term and powers granted by an act passed in the twenty fourth year of his late majesty King *George* the Second, for repairing several roads in the county of *Bucks*, so far as the same relates to the road between the town of *Wendover* and the town of *Buckingham*.

Cap. 72. For the relief and employment of the poor, and for repairing the highways, paving, cleansing, lighting, and watching, the streets and other places in the town and parish of *Richmond*, in the county of *Surrey*; and for removing and preventing annoyances, obstructions, and incroachments therein; and for shutting up a road from the late horse ferry at *Kew* to *West Sbeene Lane* near *Richmond Green*; and for amending and keeping in repair the road from *Kew Bridge* to *Richmond*.

Cap. 73. For repairing the road from the burgh of *Lauder*, in the shire of *Berwick*, to and through *Keise*, in the shire of *Roxburgh*, to the *Marchburn*.

Cap. 74. To render more effectual an act made in the third year of his present Majesty's reign, for maintaining, regulating, and employing, the poor within the parish of *Saints Mary White-chapel*, in the county of *Middlesex*.

Cap. 75. To render more effectual an act passed in the last session of parliament, for rebuilding the parish church of *Albanelws on the wall*, in the city of *London*; and for rebuilding the house belonging to the rector of the said parish; and for purchasing

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chaſing ſeveral pieces of ground and tenements thereon, to render the paſſages to and from the ſaid church and houſe more commodious.

Cap. 76. To enable the governor and company of the bank of *England* to purchaſe certain houſes and ground contiguous and near to the bank; and for making certain avenues leading thereto more commodious.

Cap. 77. For repairing and widening the ſtone bridge in the town of *Shrewsbury*.

Cap. 78. For making and continuing navigable the river *Stort*, in the counties of *Hertford* and *Effex*.

Cap. 79. For repairing and widening the road from *Abborne* to *Sudbury*; and from *Sudbury* to *Yoxall Bridge*; and from the turnpike road upon *Haſton Moor* to *Tutbury*, in the counties of *Derby* and *Stafford*.

Cap. 80. For repairing and widening the roads from *Birmingham* and *Cheſterfield*, in the county of *Derby*, over the *High Moors*, to the ſeveral places therein mentioned.

Cap. 81. For further continuing the duty of one farthing per chaldor on coals, granted by an act of the firſt year of *Queen Anne*, and revived and continued by an act of the eighth of *King George* the Second, for improving and repairing the piers and harbour of *Whitby*, in the county of *York*, and for better regulating the ſhipping there.

Cap. 82. To enlarge the term and powers of an act made in the twenty ſixth year of *King George* the Second, for repairing ſeveral roads leading into the city of *Glaſgow*, ſo far as the ſame relates to the diſtricts of roads from *Inchbelly Bridge* to *Glaſgow*; and from *Glaſgow* to *Redburn Bridge*; and for altering and aſcertaining the courſe of the laſt mentioned diſtrict of road.

Cap. 83. For enlarging the term and powers of ſo much of two acts made in the twelfth year of the reign of *King George* the Firſt, and in the twelfth year of the reign of *King George* the Second, for repairing the road from *Spittlegate Hill*, in the county of *Lincoln*, to *Little Drayton*, in the county of *Nottingham*, as relates to the road from *Spittlegate Hill* to *Boſton Bridge*, in the county of *Lincoln*.

Cap. 84. For repairing and widening the road leading from the preſent turnpike road at *Haverhill* to *Red Crofs*, in the pariſh of *Shelford*, in the county of *Cambridge*.

Cap. 85. For repairing the road from the turnpike at *Tunbridge Wells*, in the county of *Kent*, to *Ringles Crofs*, near *Uckfield*, in the county of *Suffex*.

Cap. 86. For repairing and widening the road from the preſent turnpike road in the pariſh of *Hurſley*, in the county of *Sauthampton*, through the borough of *Andover*, to the town of *Newbury*, in the county of *Berks*; and from *Newbury* to *Chilton Pond* and *Newtown River*.

Cap. 87. For repairing and widening the road from the *Mansfield* and *Cheſterfield* turnpike road, near the nine mile ſtone from *Mansfield*, through *Temple Normanton*, *Tuſton New Incluſure*.

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Inclojure, and Birkin Lane, to Bunting Field Neok, in the parish of Abwyer, in the county of Dorby.

Cap. 88. For repairing and widening the road from *High Bridges*, in the county of *Stafford*, to *Uttoxeter*; and from *Spath* to *Hanging Bridge*; and from *Tewmalls Lane* to *Yexall Bridge*, in the said county.

Cap. 89. For repairing and widening the road leading from the bottom of *Church Lane*, in the town of *Newcastle under Lyne*, in the county of *Stafford*, to the turnpike road leading from *Woor* to *Chester*, near the town of *Namptwich*, in the county of *Chester*; and from *Chester*, through *Audley* and *Balterley*, to *Gborby Hill*.

Cap. 90. For enlarging the term and powers of two acts, made in the eighth and twenty seventh years of his late Majesty, for repairing and widening the road from *Rochdale* in the county palatine of *Lancaster*, to the towns of *Halifax* and *Ealand*, in the county of *York*.

Cap. 91. To explain and amend an act made in the last session of parliament, for repairing and widening the road from *Tonbridge* to *Maidstone*, and from *Watt's Cross* to *Croden*, in the county of *Kent*, so far as the same relates to the road from *Tonbridge* to *Maidstone*.

Cap. 92. For amending, widening, altering, clearing, and keeping in repair, several roads leading from the market crosses in the town of *Wareham*, and in *Purbeck*, in the county of *Dorset*.

Cap. 93. For amending and widening the road from the town of *Biddenden*, in the *Weald* of *Kent*, through the towns of *Smarden* and *Charing*, to join the turnpike road which leads from *Ashford* to *Feverham*, at a place called *Bound Gate*.

Cap. 94. For making the river *Soar* navigable from the river *Trent*, to or near *Loughborough*, in the county of *Leicester*; and for making navigable cuts or canals from the said river *Soar*, to or near *The Rushe* and the *Hermitage Pool*, at *Loughborough* aforesaid.

Cap. 95. For repairing and widening the road leading from *Higb Bullen*, in *Wednesbury*, to the further end of *Darlaston Lane*, next the *Portway*; and from thence through *Bilston*, to the further end of *Gibbet Lane*; and several other roads leading to and from *Bilston*, in the county of *Stafford*.

Cap. 96. For making a navigable cut or canal from the river *Trent*, at or near *Wilden Ferry*, in the county of *Derby*, to the river *Mersey*, at or near *Runcorn Gap*.

Cap. 97. For making and maintaining a navigable cut or canal from the river *Severn*, between *Beudley* and *Tiston Brook*, in the county of *Worcester*, to cross the river *Trent*, at or near *Heywood Mill*, in the county of *Stafford*, and to communicate with a canal intended to be made between the said river *Trent* and the river *Mersey*.

Cap. 98. For repairing and widening several roads leading to the town of *Dartford*, in the county of *Kent*

Cap.

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Cap. 99. For repairing and widening the road from *Muckley Corner*, to *Walsall* and *Wednesbury*, and to *Leigh Brook* and *Ocker Hill*, and several other roads in the county of *Stafford*.

Cap. 100. For the better regulating and employing the poor; and for cleansing, lighting, and watching, the squares, streets, lanes, and other places, within that part of the parish of *Saint Andrew Holborn* which lies above the bars, in the county of *Middlesex*, and the parish of *Saint George the Martyr*, in the said county.

Cap. 101. For making the river *Chelmer* navigable from the port of *Maldon* to the town of *Chelmsford*, in the county of *Essex*.

Cap. 102. To enable the principal officers and commissioners of his Majesty's navy to carry into execution certain articles of agreement made for a lease of ground for the improvement of his Majesty's dock yard at *Plymouth*.

PRIVATE ACTS.

1. AN act for dividing and inclosing the open and common fields, common meadows, common pastures, lot grounds, and commonable waste grounds, in the parish of *Great Doddington*, in the county of *Northampton*.

2. An act for naturalizing *Hieronymus Henry Burmester*, *John Wienholt*, *Julius Conrad Ridder*, and *Peter Duval*.

3. An act to enable the right honourable *James Oswald*, and the right honourable *George Sackville*, commonly called lord *George Sackville*, to take, in *Great Britain*, the oath of office, as vice treasurer, and receiver general, and paymaster general, of all his Majesty's revenues in the kingdom of *Ireland*; and to qualify themselves for the enjoyment of the said offices.

4. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and commonable lands, lying within the manor and parish of *Bladon*, in the county of *Oxford*.

5. An act for dividing and inclosing certain open and common fields, common pastures, common meadows, and commonable waste grounds, in the manor, parish, and tything of *Great Tew*, in the county of *Oxford*.

6. An act for confirming an award, made for dividing and inclosing several common fields and downs, in the parish of *Haselton*, in the county of *Gloucester*.

7. An act for dividing and inclosing the open commons, common fields, meadows, and grounds, lying in the hamlet of *Maugersbury*, in the parish of *Stow on the Wold*, in the county of *Gloucester*.

8. An act for confirming articles of agreement for dividing, allotting, and inclosing, the common field lands, within the parish of *Heddington*, in the county of *Wilts*.

9. An act for dividing and inclosing the common fields,
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common pastures, common meadows, common grounds, and waste grounds, of and in the manor and parish of *Theisford*, otherwise *Fensford*, in the county of *Northampton*.

10. An act for dividing and inclosing a certain open and common field, called *Bidford Common Field*, within the parish of *Bidford*, in the county of *Warwick*.

11. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and commonable lands, within the manor and parish of *Steeple Aston*, in the county of *Oxford*.

12. An act for dividing and inclosing the open arable fields, and common pastures, within the parish of *Waltham*, otherwise *Waltham in the Wolds*, in the county of *Leicester*.

13. An act for dividing and inclosing the open arable fields and common pastures, within the parish of *Braunston*, otherwise *Branston*, in the county of *Leicester*.

14. An act for dividing and inclosing the open arable fields and common pastures, within the parish of *Croxton*, otherwise *Croxton Kerial*, in the county of *Leicester*.

15. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and commonable lands, in the township of *Winslow*, in the county of *Bucks*.

16. An act for inclosing and dividing the common waste grounds, open fields, open meadow ground and ings, within the parish of *Stillington*, in the county of *York*.

17. An act to enable the most noble *Francis* duke of *Bridgewater*, to extend a branch of his navigable cut, or canal, upon *Sale Moor*, in the county of *Chester*, to the market town of *Stockport*, in the said county.

18. An act to dissolve the marriage of *John Matthews*, with *Ann Matthews*; his now wife, and to enable him to marry again, and for other purposes therein mentioned.

19. An act for naturalizing *Jean Pierre Michel*.

20. An act for dividing and inclosing the open fields, common meadows, common pastures, commons, and waste grounds, within the parish of *Repton* in the county of *Derby*.

21. An act for dividing and inclosing the open commons, common fields, common meadows, and commonable lands and grounds, of and in the manors of *Hafelot*, and *Walcot*, and of and in the manor of *Upton Hafelot*, in the parish of *Hafelot*, in the county of *Warwick*.

22. An act for dividing and inclosing the commons, or waste grounds, called *Cuddington* or *Bryn Common*, in the township of *Cuddington with Bryn*, in the parish of *Weverham*, in the county of *Chester*.

23. An act for dividing and inclosing the open fields, common meadows, common pastures, commons, and waste grounds, within the parish of *Willington*, in the county of *Derby*.

24. An act for dividing and inclosing the moor, waste, or common, in the several townships, villages, or hamlets, of
Upper

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Upper Heworth and Nether Heworth, in the county palatine of Durham.

25. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and commonable lands, in the parish of *Little Horwood*, in the county of *Bucks.*

26. An act for dividing and inclosing the open fields, grounds, and wastes, within the township or parish of *Bessingby*, in the county of *York.*

27. An act for dividing and inclosing certain open and common fields, in the manor and parish of *Keddington*, in the county of *Lincoln.*

28. An act for dividing and inclosing the open and common fields, meadows, pastures, common and waste grounds, within the township of *Beeford*, otherwise *Beeforth*, in the county of *York.*

29. An act for dividing and inclosing the several commons and waste grounds, within the manor of *Bradnop*, in the parish of *Loak*, in the county of *Stafford.*

30. An act for dividing and inclosing the open and common fields, and commonable lands, lying within the parish of *Hinton in the Hedges*, in the county of *Northampton.*

31. An act for dividing and inclosing the open common fields, common meadows, and other commonable lands, in the parish of *Grimalby*, in the county of *Lincoln.*

32. An act for dividing and inclosing the open and common fields, downs, and commonable lands, and allotting the old inclosures, lying within the township and parish of *Flatherop*, in the county of *Gloucester.*

33. An act for dividing and inclosing several open fields, commons, and waste grounds, within the manor of *Marston*, in the county of the city of *York.*

34. An act for vesting part of the settled estate of Sir *Jobb Cbetwoode* baronet, in trustees, to be sold, for discharging incumbrances affecting the same.

35. An act to dissolve the marriage of *Charles Aldcroft* gentleman, with *Sarah Shewell*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.

36. An act for enabling *Robert Brice* esquire, and his heirs, to take and use the name, and bear the arms, of *Kingsmill.*

37. An act to enable the most noble *William* duke of *Devonshire* to take in *England* the oath of office of high treasurer of *Ireland*, and to qualify himself in *England* for the enjoyment of the said office.

38. An act to enable the dean and chapter of *Canterbury* to grant leases of their estate in the parish of *Saint Olave Southwark.*

39. An act for vesting part of the fee simple estate of *George* late lord viscount *Middleton*, of the kingdom of *Ireland*, in trustees, to be sold, for paying the debts, legacies, and incumbrances, mentioned in, and appointed to be paid by, his will; and for executing and effectuating several contracts entered into

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by him for selling and leasing divers farms and lands in *Ireland*; and for making the exemplification of his will evidence in law and equity.

40. An act for vesting certain manors, messuages, farms, lands, tenements, and hereditaments, in the county of *Surry*, devised by the will of Sir *William Clayton* baronet, deceased, in trustees, to be sold; and for applying the monies arising by such sale, in the purchase of other lands, to be settled to the like uses.

41. An act for vesting the freehold and leasehold estates, late of *Robert Henley* esquire, deceased, in trustees, to be sold, to raise money, to be applied to pay off debts, and incumbrances, and legacies, charged upon and affecting the same, under the direction of the court of chancery, and for laying out the surplus-money in the bank of *England*, subject to the further order of the said court.

42. An act for vesting several copyhold estates of *Ann Blagrove*, widow, and others, in trustees, to be sold, and for laying out the money arising thereby in the purchase of other estates, to be settled to the same uses to which the said copyhold estates stand limited.

43. An act to empower *John Jones* esquire, and *Margaretta Maria* his wife, late *Margaretta Maria Wolter*, widow, and other the devisees of *John Maryon* clerk, deceased, to make leases of the manor of *Charlton*, and of lands, tenements, and hereditaments, in the said manor; and also the parishes of *Woolwich* and *Plumstead*, in the county of *Kent*.

44. An act for vesting part of the settled estate of *John Silvester Smith* esquire, in trustees, to be sold, for discharging incumbrances affecting the same.

45. An act to enable *George Forster Tusnell* esquire, to grant building leases of estates, devised to him by Sir *William Halton* baronet, in the county of *Middlesex*.

46. An act for dividing and inclosing the several stinted pastures, called *Cow Close*, *West Moor*, and *Clowder*, otherwise *Glewther*, within the township of *Arnclyff*, in the west riding of the county of *York*.

47. An act for dividing and inclosing several common arable fields, common meadow grounds, and the moor or common, within the manor and township of *Naburn*, in the east riding of the county of *York*.

48. An act for dividing and inclosing the open and common fields, meadows, pastures, and waste grounds, in the parish of *Blaby*, in the county of *Leicester*.

49. An act for dividing and inclosing the common fields, meadows, pastures, and waste grounds, in the parish of *Conesthorpe*, in the county of *Leicester*.

50. An act for dividing and inclosing the common fields, and other commonable lands and grounds, in the parish of *Hexton*, in the county of *Hertford*, except a common pasture, called, *The Cow Common*.

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51. An act for dividing and inclosing the open and common fields, and grounds, in the hamlet of *Walforth*, in the parish of *Hitchin*, in the county of *Hertsford*.

52. An act for allotting, dividing, inclosing, and draining, several open and common fields, meadows, waste and fen grounds, within the manor and parish of *Bourn*, in the county of *Lincoln*.

53. An act for dividing and inclosing certain open common fields, lands, and grounds, in the parish of *Pattrington*, in *Holderness*, in the east riding of the county of *York*.

54. An act for dividing and inclosing the open fields, meadows, pastures, and commons or commonable grounds, in the township of *Brigham*, in the parish of *Foston*, in the east riding of the county of *York*.

55. An act for dividing and inclosing the open and common fields of *Lubnam*, otherwise *Lubenbam*, in the county of *Leicester*.

56. An act for inclosing, paving, cleansing, lighting, and adorning, *Berkley Square*, in the parish of *Saint George Hanover Square*, in the county of *Middlesex*.

57. An act for vesting part of a messuage, with the appurtenances, intailed by the will of the most noble *Charles* late duke of *Grafton*, deceased, in trustees, to be sold; and for purchasing another messuage, or lands, to be settled to the like uses.

58. An act for vesting the mansion house of the earl and countess of *Powis*, in *Albemarle Street*, now settled on them and their issue, in trustees, to sell the same; and to lay out the money arising by such sale, in the purchase of lands and hereditaments, to be settled to the like uses.

59. An act for vesting certain manors, rectories, lands, tythes, tenements, and hereditaments, in the counties of *Somerset* and *Devon*, devised by the will of *John* late earl of *Portsmouth*, deceased, in trustees, to be sold; and for applying the monies arising by such sale, in the purchase of other manors, rectories, lands, tythes, tenements, or hereditaments, to be settled to the uses limited by the said will.

60. An act for vesting in trustees, the settled estate of *Washington*, earl *Ferrers*, in the county of *Derby*, to be sold, for satisfying the incumbrances and portions affecting the same, and the rest of his settled estates; and for other purposes therein mentioned.

61. An act to enable *Sir Thomas Gooch* baronet, and his sons, *Thomas Gooch*, *William Gooch*, and *John Gooch*, and their guardians, and the guardians of their sons, during their minority, to grant building leases of certain lands in *Birmingham*, in the county of *Warwick*; and to grant a piece of land, lying in the same town, for the purposes of building a church, and making a church-yard; and to exchange some lands there.

62. An act for sale of the manor, capital messuage, and late dissolved priory, of *Ryegate*, in the county of *Surrey*; and also of several freehold and copyhold lands, tenements, and hereditaments,

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ditaments, in the counties of *Surrey* and *Suffex*, late the estate of *Sarah Parsons*, widow, deceased, for raising money to discharge incumbrances affecting the same.

63. An act for the sale and disposition of part of the settled estate of *Thomas Lyod* esquire, for paying and discharging the debts and incumbrances affecting the same, and for providing an equivalent or compensation for the same, to the issue inheritable under his marriage settlement.

64. An act for confirming the sale of part of the estates late of *Robert Nedham* esquire, deceased, situate in the kingdom of *Ireland*, for the term of five hundred years, to *George Nedham* esquire, for confirming an agreement made between the widow and children of the said *Robert Nedham*; and for vesting part of the said *Robert Nedham's* said estates in trustees, to be sold, for the payment of the debts, legacies, and other incumbrances, affecting such estates; and for other the purposes therein mentioned.

65. An act for vesting an undivided moiety of certain messuages, lands, tenements, and hereditaments, in the several counties of *Bedford*, *Northampton*, *Leicester*, and *Essex*, and in the city of *London*, late the estate of *Piggott Ince* esquire, deceased, and *Mary* late the wife, and now the widow, of the said *Piggott Ince*, in trustees, to be sold and disposed of, in pursuance of certain agreements; and for discharging debts and incumbrances, and other the purposes therein mentioned, and for applying and placing out the surplus of the purchase-money upon the trusts, and for the purposes therein mentioned.

66. An act to establish a proposal, made by *William Constable* esquire, to the governors of the charity for the relief of the poor widows and children of clergymen, in relation to a piece or parcel of land, called *Cherry Cobb Sand*, in the county of *York*.

67. An act for dividing and inclosing several open fields, commons, or waste grounds, situate, lying, and being, within the manors of *Aston* and *Wales*, in the county of *York*.

68. An act for dividing and inclosing the open and common fields, half year lands, commons, and waste grounds, in the parishes of *Carlton Forehoe*, and *Kimberley*, in the county of *Norfolk*.

69. An act for dividing and inclosing several open and common fields, common meadows, commons, and waste grounds, within the lordship or liberty of *Barnethy upon the Woulds*, in the county of *Lincoln*.

70. An act for dividing and inclosing certain open grounds, or pastures, and some parts of a certain moor or tract of waste land, within the manor of *Bowes*, in the county of *York*.

71. An act for dividing and inclosing certain open arable fields, meadows, pasture, and waste grounds, in the parishes of *Scotborn* and *Sudbrooke*, in the county of *Lincoln*.

72. An act for inclosing and dividing a common, called *Thorpe Marsh*, and a piece of land, called *Grumble Hirsh*, within the

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the parish of *Barmby upon Dunn*, in the county of *York*.

73. An act for dividing and inclosing the several open fields, meadows, pastures, and waste grounds, within the manor and parish of *Corby*, in the county of *Lincoln*.

74. An act to render more effectual an act, made in the fourth year of his present Majesty, for draining, preserving, and improving, the low grounds and cars, lying and being in the parishes, townships, hamlets, lordships, precincts, and territories, of *Sutton*, *Ganstead*, *Swine*, *Benningbolme*, *Benningbolme Grange*, and *Fairbolme*, *North Skirlaugh*, *Rowton*, *Arnold*, *Long Riston*, *Leven*, *Heigholm*, and *Hallytree Holme*, *Brandes Burton*, and *Burball*, *Ejke*, *Tickton*, *Weel*, *Routh*, *Meaux*, and *Wagben*, otherwise *Wawn*, in *Holderness*, in the east riding of the county of *York*.

75. An act for dividing and inclosing the open common fields, common pastures, common grounds, heath, and waste grounds, within the manor and parish of *Harlestone*, in the county of *Northampton*.

76. An act for dividing and inclosing the open and common fields, meadows, pastures, and commonable lands and grounds, in the parish of *Laighton Bromswold*, otherwise, *Laighten Ecclesia*, in the county of *Huntington*.

77. An act for dividing and inclosing certain open lands, meadows, and free commons, in the parish of *Kettlethorpe*, in the county of *Lincoln*.

78. An act for dividing, inclosing, and draining, certain lands, grounds, and common pastures, in the parish of *Cottingham*, in the east riding of the county of *York*.

79. An act for dividing and inclosing several open fields, meadows, and commons, within the lordship of *Ratcliffe Culey*, in the county of *Leicester*.

80. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, heath, and waste grounds, within the manor and lordship of *Kingshorpe*, in the county of *Northampton*.

81. An act for dividing and inclosing the open and common fields, common lands, common meadows, common pastures, common grounds, heath, and waste lands or grounds, in the hamlet or township of *Ryton*, otherwise *Ruyton*, in the parish of *Bulkington*, in the county of *Warwick*.

82. An act for dividing and inclosing the open and common fields, meadows, common fen, and other commonable places, in the parish of *Bicker*, in the county of *Lincoln*, and for draining and improving the same.

83. An act for vesting certain estates, in the county of *Lincoln*, in trustees; and to enable them to appropriate the rents and profits thereof, and also certain sums of money (subject to the trusts declared by the will of Sir *Michael Wharston* knight, deceased) for the augmentation of the revenues of the curacies of the late collegiate church of *Saint John*, in *Beverley*, in the county of *York*; and for erecting an organ in the said church,

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church, and for other purposes therein mentioned.

84. An act to enable *Richard Barton* esquire, and his issue, to bear and use the surname and arms of *Phillipson*, pursuant to the will of *John Phillipson* esquire, deceased.

85. An act for naturalizing *Godhard Sutthoff*, *John Peter Cornud*, *Renira Bentimik*, *Aymert Movit*, *Justus Blanckenbagen*, *Francis Menet*, and *John Abraham Haldimand*.

86. An act for naturalizing *Laurence Charlessen*.

87. An act for naturalizing *Peter Facom*, and *John James Fournisen*.

88. An act for vesting the settled estates of *Edmund Marton Pleydell* esquire, in the counties of *York* and *Lincoln*, in trustees, to be sold; and for laying out the money to arise by such sale, in the purchase of other lands, to be settled to the like uses.

89. An act for dividing and inclosing the open fields, meadow, common pastures, and waste grounds, in the parish of *Balderton*, in the county of *Nottingham*.

90. An act for dividing and inclosing certain open and common fields, and commonable lands, in the parish of *Ad-dersbury*, in the county of *Oxford*.

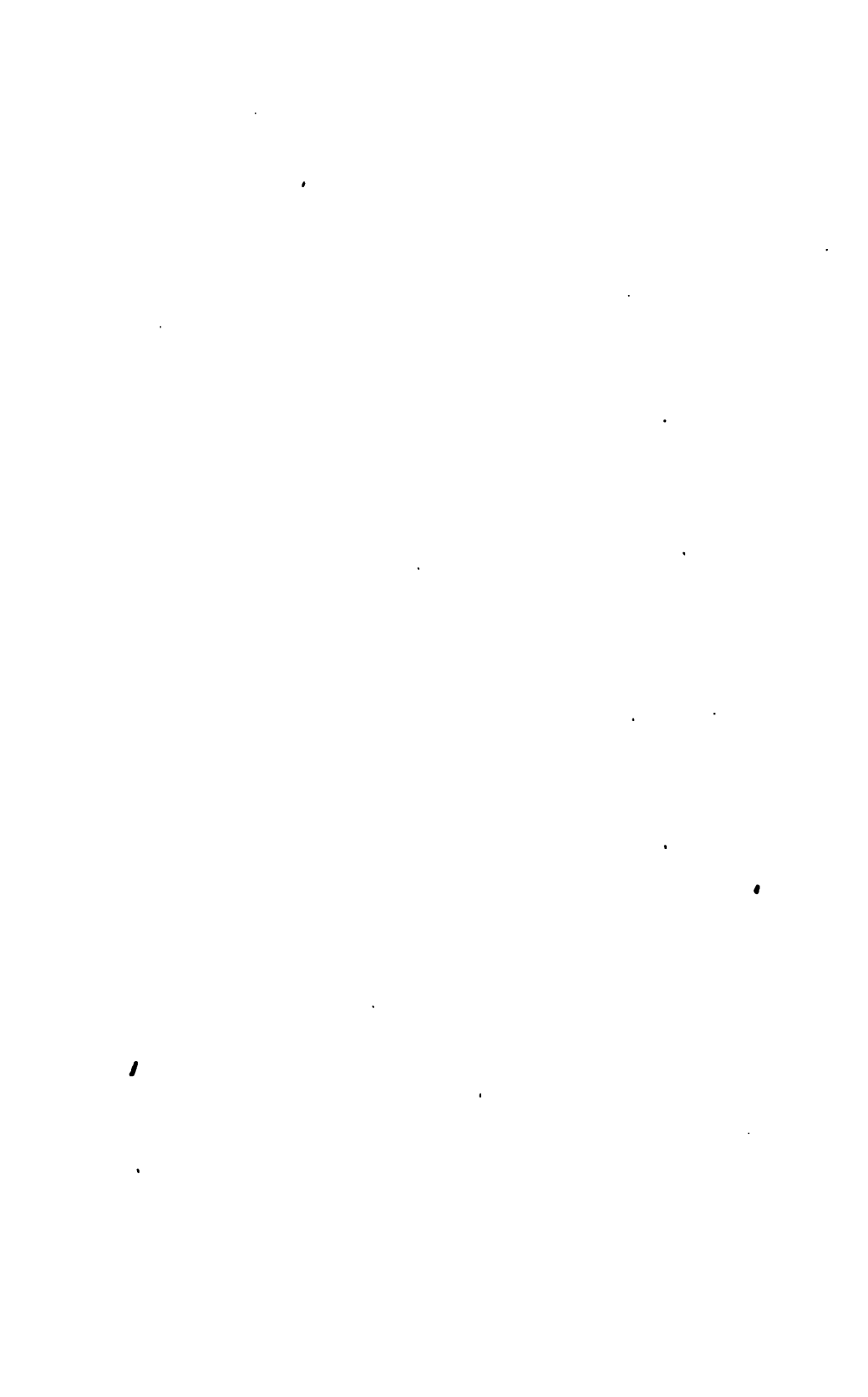
91. An act for dividing and inclosing the commons, and waste grounds, in the manor and parish of *Little Ellingham*, in the county of *Norfolk*.

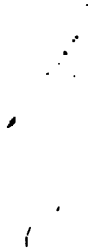
92. An act for dividing and inclosing a certain common, parcel of waste ground, or moor, situate in the liberty of *Darley*, in the county of *Derby*, called *Darley Common*.

93. An act for draining and preserving *Stretbam Common*, in the isle of *Ely*, and county of *Cambridge*; and for empowering the commissioners for putting in execution an act for the effectual draining and preservation of *Waterbeach Level*, in the county of *Cambridge*; and to establish an agreement made between the lord of the manor of *Waterbeach cum Denny*, and the commoners within the said manor, to raise a sum of money to pay the debts owing upon the credit of the said act.

94. An act for naturalizing *Peter Delaroche*, and *John James le Chevalier*,







A
T A B L E
OF THE
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno septimo*

GEORGII III. *Regis.*

Being the Sixth Session of the Twelfth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **T**O continue an act made in the fifth year of the reign of his present Majesty, intituled, *An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time.*

Cap. 2. To amend so much of an act made in the last session of parliament, intituled, *An act for repealing certain duties in the British colonies and plantations, granted by several acts of parliament; and also the duties imposed by an act made in the last session of parliament upon certain East India goods exported from Great Britain; and for granting other duties instead thereof; and for further encouraging, regulating, and securing, several branches of the trade of this kingdom, and the British dominions in America, as relates to the exportation of non-enumerated goods from the British colonies in America.*

Cap. 3. To prohibit, for a limited time, the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat flour.

Cap. 4. For allowing the importation of wheat and wheat flour from his Majesty's colonies in *America*, into this kingdom, for a limited time, free of duty.

Cap. 5. For allowing the importation of wheat and wheat flour from any part of *Europe* into this kingdom, for a limited time, free of duty.

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Cap. 6. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven.

Cap. 7. For indemnifying such persons as have acted for the service of the publick, in advising or carrying into execution the order of council of the twenty sixth day of *September* last, for laying an embargo on all ships laden with wheat or wheat flour; and for preventing suits in consequence of the said embargo.

Cap. 8. For allowing the importation of oats and oatmeal, rye and ryemeal, into this kingdom, for a limited time, free of duty.

Cap. 9. For obviating doubts which have arisen with respect to so much of an act made in the first year of the reign of his present Majesty, intituled (*An act to amend an act passed in the eighteenth year of the reign of King George the Second, concerning the qualification of justices of the peace, and for other purposes therein mentioned*) as directs the taking of certain oaths by justices of the peace, on the issuing of any new commission of the peace.

Cap. 10. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 11. For allowing the importation of wheat and wheat flour, free of duty, from any part of *Europe*, for a further time than is allowed by any act made in this session of parliament; and for permitting the free importation of barley, barley-meal, and pulse, into this kingdom, for a limited time.

Cap. 12. To discontinue, for a limited time, the duties payable upon the importation of tallow, hogs-lard, and grease.

Cap. 13. For the regulation of his Majesty's marine forces while on shore.

Cap. 14. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty seven.

Cap. 15. For giving further time to his Majesty's lieutenants, deputy lieutenants, justices, and clerks of the peace, and others, for carrying into execution certain parts of an act passed in the last session, for pay and cloathing of the militia; and for indemnifying such lieutenants, deputy lieutenants, and clerks of the peace, and others, who have neglected to carry such parts of the said act into execution.

Cap. 16. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty seven.

Cap. 17. For defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty seven; for the more effectually punishing serjeants, drummers, and sifers, for misbehaviour and desertion; for securing deserters from the militia regiments; and for explaining and amending so much of an act passed in the last session of parliament, as relates to inlisting militia men into his Majesty's other forces.

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Cap. 18. To enable the trustees of the *British* museum to exchange, sell, or dispose of, any duplicates of printed books, medals, coins, or other curiosities; and for laying out the money arising by such sale in the purchase of other things that may be wanting in, or proper for, the said museum.

Cap. 19. To enable his Majesty to settle certain annuities on their royal highnesses the dukes of *York*, *Gloucester*, and *Cumberland*.

Cap. 20. For granting to his Majesty additional duties upon bast, or straw, chip, cane, and horse hair hats and bonnets, and upon certain materials for making the same, imported into this kingdom.

Cap. 21. To obviate inconveniencies which may arise with respect to the execution of several acts of parliament in such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the quorum qualified to act within the same.

Cap. 22. For further allowing the importation of wheat and wheat flour, barley, barley-meal, and pulse, free of duty, into this kingdom from any part of *Europe*.

Cap. 23. To prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of *London*, and the liberties thereof; and between *Tower Dock* and *Limehouse Hole* in the county of *Middlesex*.

Cap. 24. For raising the sum of one million five hundred thousand pounds; by way of annuities and a lottery, attended with annuities to be charged on the sinking fund.

Cap. 25. For redeeming one fourth part of the joint stock of annuities established by an act made in the third year of his present Majesty's reign, intituled, *An act for granting to his Majesty several additional duties upon wines imported into this kingdom; and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties.*

Cap. 26. For redeeming the remainder of the joint stock of annuities established by an act made in the third year of his present Majesty's reign, in respect of several navy, victualling, and transport bills, and ordnance debentures.

Cap. 27. For extending the royalty of the city of *Edinburgh* over certain adjoining lands; and for giving powers to the magistrates of *Edinburgh* for the benefit of the said city; and to enable his Majesty to grant letters patent for establishing a theatre in the city of *Edinburgh*, or suburbs thereof.

Cap. 28. For granting to his Majesty additional duties upon certain linen cloth imported; and for carrying such duties, together with the additional duties granted in this session of parliament upon the importation of bast or straw, chip, cane, and horse hair hats and bonnets, and certain materials for making the same, to the sinking fund.

Cap. 29. For explaining an act made in the twenty ninth year of the reign of *Queen Elizabeth*, to prevent extortion in sheriffs,

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under-sheriffs, and bailiffs of franchises or liberties, in cases of execution.

Cap. 30. For allowing the free importation of rice, sago powder, and vermicelli, into this kingdom, from his Majesty's colonies in *North America*, for a limited time.

Cap. 31. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid, and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attorneys and solicitors.

Cap. 32. For applying the money granted, in this session of parliament, for carrying on an additional building for a more commodious passage to the house of commons, from *Saint Margaret's Lane* and *Old Palace Yard*.

Cap. 33. To enforce, in that part of *Great Britain* called *Scotland*, the execution of an act of the last session of parliament, intitled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights*; and for explaining the said act.

Cap. 34. For allowing further time for inrollment of deeds and wills made by papists; and for relief of protestant purchasers.

Cap. 35. To continue several laws therein mentioned, relating to the clandestine running of uncustomed goods, and preventing frauds relating to the customs; to prevent the clandestine running of goods, and the danger of infection thereby; to the granting liberty to carry rice from his Majesty's provinces of *Carolina* and *Georgia*, in *America*, directly to any part of *Europe* southward of *Cape Finisterre*, in ships built and navigated according to law; and to the prohibiting the importation of books reprinted abroad, and first composed, written, and printed, in *Great Britain*.

Cap. 36. To continue so much of an act made in the thirty-third year of the reign of his late Majesty, as relates to the free importation of cochineal and indico; and for allowing the bounties granted by any acts of parliament now in being upon the exportation of corn and malt declared or made for exportation, and barley steeped and entered at the excise office to be made into malt for exportation, before a limited time.

Cap. 37. For completing the bridge cross the river *Thames*, from *Black Fryars* in the city of *London*, to the opposite side in the county of *Surry*, and the avenues thereto on the *London* side; for redeeming the tolls on the said bridge, and on *London Bridge*; for rebuilding the gaol of *Newgate* in the said city; for repairing the

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the *Royal Exchange* within the same; for embanking part of the north side of the said river, within certain limits; and for further continuing, towards those purposes, the imposition of six pence *per* chaldron, or ton, of coals and culm imported into the port of the said city, established by an act of the fifth and sixth years of the reign of King *William* and Queen *Mary*; and also for carrying on the new pavements in the city and liberties of *Westminster*, and parishes adjacent, and in the town and borough of *Soubwark*; and for other purposes therein mentioned.

Cap. 38. To amend and render more effectual an act made in the eighth year of the reign of King *George* the Second, for encouragement of the arts of designing, engraving, and etching, historical and other prints; and for vesting in, and securing to, *Jane Hogarth* widow, the property in certain prints.

Cap. 39. For the better regulation of the parish poor children, of the several parishes therein mentioned, within the bills of mortality.

Cap. 40. To explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads of this kingdom; and for other purposes therein mentioned.

Cap. 41. To enable his Majesty to put the customs, and other duties, in the *British* dominions in *America*, and the execution of the laws relating to trade there, under the management of commissioners to be appointed for that purpose, and to be resident in the said dominions.

Cap. 42. To explain, amend, and reduce into one act of parliament, the several statutes now in being for the amendment and preservation of the publick highways of this kingdom; and for other purposes therein mentioned.

Cap. 43. To amend and enforce the acts of the eighteenth, twenty first, and thirty second years of the reign of his late majesty King *George* the Second, for the more effectual preventing the fraudulent importation and wearing of cambricks and *French* lawns.

Cap. 44. For altering the stamp duties upon policies of assurance; and for reducing the allowance to be made in respect of the prompt payment of the stamp duties on licences for retailing beer, ale, and other exciseable liquors; and for explaining and amending several acts of parliament relating to hackney coaches and chairs.

Cap. 45. For encouraging and regulating the trade and manufactures of the *Isle of Man*; and for the more easy supply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour, authorized by an act made in this session to be transported to the said island.

Cap. 46. For granting certain duties in the *British* colonies and plantations in *America*; for allowing a drawback of the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china

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earthen ware exported to *America*; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.

Cap. 47. For discontinuing the duties on logwood exported; for taking off the duties on *Succus Liquoritiæ* imported, and for granting other duties in lieu thereof; for explaining such parts of two acts made in the tenth and twelfth years of the reign of Queen *Anns*, as relate to certain duties on silks, printed, painted, or stained, in *Great Britain*; for granting a duty upon the exportation of such rice as shall have been imported duty-free, in pursuance of an act made in this session of parliament; and for more effectually preventing the wear of foreign lace and needle work which are prohibited to be imported into this kingdom.

Cap. 48. For regulating the proceedings of certain publick companies and corporations carrying on trade or dealings with joint stocks, in respect to the declaring of dividends; and for further regulating the qualification of members for voting in their respective general courts.

Cap. 49. For regulating certain proceedings of the general courts of the united company of merchants of *England* trading to the east Indies,

Cap. 50. For amending certain laws relating to the revenue of the post office; and for granting rates of postage for the conveyance of letters and packets between *Great Britain* and the *Isle of Man*, and within that island.

Cap. 51. For improving the navigation of the river *Lee*, from the town of *Hertford* to the river *Thames*; and for extending the said navigation to the flood-gates belonging to the town mill, in the said town of *Hertford*.

Cap. 52. For erecting a proper and convenient pier at the port of *Saint Ives*, in the county of *Cornwall*, for the better protection of ships and vessels resorting to the said port.

Cap. 53. For draining and preserving fen lands, and low grounds lying in the south level, part of the great level of the fens commonly called *Bedford Level*, and in the county of *Cambridge*, between the river *Cam*, otherwise *Grant*, west, and the hardlands of *Bottisham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, east; and for empowering the governor, bailiffs, and commonalty of the company of conservators of the great level of the fens commonly called *Bedford Level*, to sell certain fen lands lying within the limits aforesaid, commonly called *Invested Lands*.

Cap. 54. For granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty seven; and for further appropriating the supplies granted in this session of parliament; for carrying to the aggregate fund a sum of money which hath arisen by the two sevenths excise; for empowering his Majesty, with the advice of his privy council, to permit the importation of any sort of corn or grain, duty-free, into this kingdom, for a longer time than is permitted

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ted by any act of this session of parliament; and for obviating doubts in relation to the meeting of commissioners for putting in execution an act of this session, for granting an aid to his Majesty by a land tax.

Cap. 55. For further continuing an act of the last session of parliament, intituled, *An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.*

Cap. 56. For taking off the inland duty of one shilling per pound weight upon all black and single teas consumed in *Great Britain*; and for granting a drawback upon the exportation of teas to *Ireland*, and the *British* dominions in *America*, for a limited time, upon such indemnification to be made in respect thereof by the *East India* company, as is therein mentioned; for permitting the exportation of teas in smaller quantities than one lot to *Ireland*, or the said dominions in *America*; and for preventing teas seized and condemned from being consumed in *Great Britain*.

Cap. 57. For establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for a limited time, by the *East India* company, in respect of the territorial acquisitions and revenues lately obtained in the *East Indies*.

Cap. 58. For granting to his Majesty additional duties on certain foreign linens imported into this kingdom; and for establishing a fund for the encouraging of the raising and dressing of hemp and flax.

Cap. 59. For restraining and prohibiting the governor, council, and house of representatives, of the province of *New York*, until provision shall have been made for furnishing the King's troops with all the necessaries required by law, from passing or assenting to any act of assembly, vote, or resolution, for any other purpose.

Cap. 60. For repairing and widening several roads in the county of *Brecon*.

Cap. 61. To enlarge the term and powers of two acts passed in the thirteenth year of King *George* the First, and the seventeenth of his late Majesty, for repairing the road from *Cranford Bridge*, in the county of *Middlesex*, to that end of *Maidenhead Bridge* which lies in the county of *Bucks*; and for amending the road from *Slough*, to a certain place in *Eton*, and from *Langley Broom*, to *Datchet Bridge*, in the county of *Buckingham*.

Cap. 62. To continue the term, and render more effectual an act passed in the thirty first year of his late Majesty, for amending several roads leading from the town of *Tiverton*, in the county of *Devon*; and for repairing and widening the road from *Bickley Bridge Cross*, over *Bickley Bridge*, to the sign of the *Swan* in the town of *Silverton*; and also the road from *Bickley Wood Cross*, to *Ford Village Water* in the said county.

Cap. 63. For building a bridge cross the river *Thames*, from *Swynford* in the county of *Berks*, to *Eynsham* in the county of *Oxford*.

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Cap. 64. For enlarging the term and powers granted by an act passed in the twenty second year of his late majesty King *George* the Second, for opening and making a new road from the east end of *New Street*, in the parish of *Saint John, Southwark*, to and through the several places therein mentioned; and for keeping the said road in repair for the future; and for repairing several other roads adjoining thereto.

Cap. 65. For continuing, altering, and amending, two acts of parliament, of the twelfth of King *George* the First, and of the tenth of his late Majesty, for repairing several roads leading into the city of *Worcester*; and for amending several other roads near or adjoining thereto.

Cap. 66. For repairing and widening the road from the west end of *Thames Street*, in the city of *Oxford*, over *Botley Causeway*, to the turnpike road near *Fisfield*, in the county of *Berks*.

Cap. 67. For amending, repairing, and widening, several roads in the counties of *Radnor* and *Hereford*.

Cap. 68. For amending and widening the road leading from the *Bell Inn* at *Northfield*, in the county of *Worcester*, to the *Wootton Turnpike*, in the great turnpike road leading from *Stratford upon Avon*, in the county of *Warwick*, to *Birmingham* in the same county.

Cap. 69. For rebuilding the parish church of *Saint Martin*, within the city of *Worcester*.

Cap. 70. For enlarging the term and powers granted by an act passed in the eighteenth year of his late Majesty, for repairing the road from the town of *Kingston upon Hull*, to and through the town of *Anlaby*, and from thence to the town of *Kirk Ella*, in the county of the said town of *Kingston upon Hull*.

Cap. 71. To enlarge the term and powers of an act passed in the eighteenth year of King *George* the Second, for repairing the road from *Sacred Gate*, on the south east side of the town of *Hedon*, in the east riding of the county of *York*, through the said town to *Hull North Bridge*; and for amending the road from the present turnpike bar in *Wyton Holmes*, through the townships of *Wyton* and *Sproatley*, to the guide post in *Flinton Lane*, near *Humbleton Moor House*, in the same riding.

Cap. 72. For the better and more effectual maintenance and relief of the poor of the borough and parish of *Queenborough*, in the county of *Kent*.

Cap. 73. For building a bridge cross *Stonehouse* creek, from *Stonehouse* to *Plymouth* dock, in the county of *Devon*.

Cap. 74. For enlarging the term and powers granted by two acts of parliament, of the third of King *George* the First, and the eleventh of his late Majesty, for enabling the parishioners of *Saint Mary Rotherhithe*, in the county of *Surrey*, by certain funeral rates therein mentioned, to finish the said parish church, and for purchasing an additional burial ground, and to enable them to raise money for purchasing the present parsonage house, and converting the site thereof into a burial ground, and for providing a new parsonage house.

Cap. 75.

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Cap. 75. For the more effectual repairing, widening, and rendering commodious the highways within the parish of *Ealing*, in the county of *Middlesex*; and for lighting the street in *Old Brentford* within the said parish, from the turning towards *Kew Bridge*, to a street called *The Half Acre*.

Cap. 76. For continuing the term of several acts for repairing the road between *Wymondham* and *Attleborough*, in the county of *Norfolk*; and for amending the road from the end of the town close, in the county of the city of *Norwich*, to the chalk pits near *Tketford*, in the said county of *Norfolk*.

Cap. 77. For repairing and widening the road from *Spernal Ash*, in the county of *Warwick*, through *Studley*, to a street called *Digbeth*, in the town of *Birmingham*.

Cap. 78. For continuing and enlarging the term and powers of so much of two acts, made in the twelfth year of the reign of *George* the First, and in the twelfth year of the reign of *King George* the Second, for repairing the road from *Spittlegate Hill*, near *Grantham*, in the county of *Lincoln*, to *Little Drayton*, in the county of *Nottingham*, as relates to the road leading from *Foston Bridge*, in the county of *Lincoln*, to *Little Drayton*, in the county of *Nottingham*.

Cap. 79. For continuing and enlarging the term and powers of so much of an act made in the thirty second year of the reign of his late majesty *King George* the Second, for repairing and widening the roads from *Grantham* in the county of *Lincoln*, through *Bottesford* and *Bingham*, to *Nottingham Trent Bridge*, and from *Chappel Bar*, near the west end of the town of *Nottingham*, to *Saint Mary's Bridge*, in the town of *Derby*; and from the guide-post in the parish of *Lenton*, to *Sawley Ferry*; as relates to the road leading from *Grantham*, to *Nottingham Trent Bridge*.

Cap. 80. For enlarging the term and powers granted by an act of the second year of his present Majesty, for erecting and building two new churches, and providing burial places, in the town and parish of *Liverpoole*, in the county palatine of *Lancaster*.

Cap. 81. For repairing and widening the road from the turnpike road at *Hatton*, near the borough of *Warwick*, through *King's Norton*, in the county of *Worcester*; and to the upper end of *Gannow Green*, in the parish of *Bhromsgrave*, and to the *Bell Inn*, in the parish of *Bell Broughton*, in the said county of *Worcester*.

Cap. 82. To explain, alter, and amend, an act for repairing and widening several roads leading from between the second and third mile-stones on the turnpike road between the town and county of *Poole* and *Winborn Minster*, in the county of *Dorset*, to *Bratton Corner*, in the county of *Somerset*; and for repairing and widening the road from the turnpike road in *Brainston*, to or near a house called *Fonsleroy's Farm House*, in the county of *Dorset*.

Cap. 83. For repairing and widening the road from *Shaddon Gate*,

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Gate, near *Carlisle*, to the present turnpike road at *Mulafide*; and from a place in the said turnpike road, between *Binsy Mires* and *North Raw Gate*, to join the turnpike road at *Skilbeck*, in the county of *Cumberland*.

Cap. 84. For repairing the roads from *Tunbridge Wells*, in the county of *Kent*, to *Swift's Den*, in the parish of *Etchingbam*; and from *Frant* to *Passingworth Great Wood*, adjoining to the turnpike road there, leading to *Blackboys*, in the county of *Suffex*.

Cap. 85. For paving the streets and other places in that part of the parish of *Saint Botolph Aldgate* which lies in the county of *Middlesex*, and part of a street called *East Smithfield* in the precinct of *Saint Catherine*; and for cleansing, lighting, and watching the same, and preventing obstructions and annoyances therein.

Cap. 86. For repairing, widening, and keeping in repair, the road leading from the high road between *Bromley* and *Farnborough*, in the county of *Kent*, to *Beggar's Bush*, in the turnpike road leading from *Tunbridge Wells* to *Maresfield*, in the county of *Suffex*.

Cap. 87. To explain, amend, and render more effectual, an act made in the sixteenth and seventeenth years of King *Charles the Second*, intituled, *An act for making divers rivers navigable, or otherwise passable, for boats, barges, and other vessels*, so far as the same relates to the river *Istching*, running from *Atresford*, through *Winchester*, to the sea, near *Southampton*, and for better regulating the said navigation.

Cap. 88. To continue and render more effectual several acts of parliament for repairing the highways from that part of *Counzer's Bridge* which lies in the parish of *Kensington*, in the county of *Middlesex*, leading through the towns of *Brentford* and *Hownow*, to the powder mills, in the road to *Staines*; and to *Cranford Bridge*, in the said county, in the road to *Colnbrook*; and for repairing, turning, or altering, the highway leading from the said road, at or near the end of *Sion Lane*, to the town of *Isleworth*, in the said county, and from thence to a gate on the south side of *Tedington Field*; and also the highway leading out of the said great road, near *Smallberry Green* turnpike, to a house known by the sign of *The George*, in the town of *Isleworth* aforesaid; and for lighting and watering part of the said highways.

Cap. 89. To repair and widen the road from *Whitcroft*, to the town of *Bridlington*, in the east riding of the county of *York*.

Cap. 90. For continuing the duty of two pennies *Scots*, or a sixth part of a penny sterling, upon every *Scots* pint of ale and beer which shall be brewed for sale, brought into, tapped, or sold, within the town of *Burrowsounness* and liberties thereof, in the county of *Linlithgow*, and for extending the same over the parish of *Burrowsounness*; for repairing the harbour of the said town, and for other purposes therein mentioned.

Cap. 91. For repairing and widening the road from the brick kilns on *East Malling Heath*, to the turnpike road on *Pembury Green*,

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Green, and from *Brand Bridges* to the *Four Wents*, near *Matsfield Green*, in the county of *Kent*.

Cap. 92. To repair and widen the road from *Whitchurch*, in the county of *Salop*, to the turnpike road between *Nantwich*, in the county of *Chester*, and *Newcastle under Line*; and from *Hinckley* to *Nantwich* aforesaid.

Cap. 93. For making navigable the river *Ure*, from its junction with the river *Swale*, to the borough of *Ripon*, in the county of *York*.

Cap. 94. For enlarging the term and powers of an act made in the fourteenth year of the reign of his late Majesty, intituled, *An act for repairing the road from Doncaster, through the parish of Peniston, in the county of York, to Salter's Brook, in the county of Chester, and also the road from Rotherham, in the said county of York, to Hartcliffe Hill, in the said parish of Peniston*; and for making the said act more effectual, so far as the same relates to the said road between *Rotherham* and *Hartcliffe Hill*.

Cap. 95. For making navigable a brook called *Codbeck*, from the river *Swale*, to the borough of *Thirsk*, in the county of *York*.

Cap. 96. For making navigable the river *Ouze*, from below *Widdington Ings*, at or near *Linton*, to the junction of the rivers *Swale* and *Ure*; and for making navigable the said river *Swale*, from the said junction to *Morton Bridge*, and also the brook running from *Bedale*, into the river *Swale*, in the county of *York*.

Cap. 97. For improving the navigation of the river *Hull* and *Frodingham Beck*, from *Ake Beck Mouth*, to the clough on the east corner of *Fishbolme*; and for extending the said navigation from the said clough, into or near the town of *Great Driffeld*, in the east riding of the county of *York*.

Cap. 98. For the more effectual draining the lands lying in the level of *Ancholme*, in the county of *Lincoln*, and making the river *Ancholme* navigable from the river *Humber*, at or near a place called *Ferraby Sluice*, in the county of *Lincoln*, to the town of *Glamford Briggs*; and for continuing the said navigation up or near to the said river, from thence to *Bishop Briggs*, in the said county of *Lincoln*.

Cap. 99. For establishing and well-governing a general hospital to be called *Addenbrooke's* hospital in the town of *Cambridge*.

Cap. 100. To amend an act made in the fifth year of his present Majesty, for amending the road from *Chatteris Ferry*, through *Chatteris* and *March* to *Wisbech Saint Peter's*; and from thence to *Tide Gate* in the isle of *Ely*; and from *Wisbech* aforesaid, through *Outwell* to *Downham Bridge*, in the county of *Norfolk*; and for repealing the several acts for repairing the said road between *Wisbech* and *March*; and also for charging certain lands in *Walderssea*, and on *Wisbech South Side*, towards the repairs of the *Walderssea* and *South Side Banks*, which, before the passing of the said act, were liable to such repairs.

Cap. 101. To continue and render more effectual several acts of parliament, for repairing the roads in the parishes of *Kensington*,

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ton, *Chelfea*, and *Fulham*, and other parishes therein mentioned, in the county of *Middlesex*; and for lighting and watering the said roads; and for paving the street and highway and footways in *Kensington*; and for lighting and watching the same, and the courts and alleys adjoining thereto.

Cap. 102. To continue and render more effectual three acts for repairing the highways between *Tyburn* and *Uxbridge*, in the county of *Middlesex*; and for amending the road leading from *Brent* bridge over *Hanwell* heath, through the parishes of *Hanwell New Brentford*, and *Ealing*, to the great western road, in the said county and for lighting, watching, and watering the highway between *Tyburn* and *Kensington Gravel-Pits*.

Cap. 103. For repairing and widening the road leading from the turnpike road in the town of *Tenterden* to and over *Bull Green*, and to and through the town of *Great Chart* to a house known by the sign of the *Castle* at the entrance of the town of *Ashford*, in the county of *Kent*; and also the road leading from *Bull Green* aforesaid to *Hothfield Heath*; and also the road leading from *Bull Green* aforesaid, through *High Halden*, to *Dashmanden* in the parish county of *Kent*.

Cap. 104. For repairing and widening the road from *March-wiel*, in the county of *Denbigh*, through *Bangor*, *Worthenbury* and *Hanmer*, in the county of *Flint*, to a house in the possession of *Thomas Jenks*, in *Dodington*, in the parish of *Whitchurch*, in the county of *Salop*, and from *Bangor* aforesaid to *Malpas*, in the county of *Chester*, and from *Redbrook* to *Hampton* in the said county of *Salop*.

Cap. 105. To enlarge the term and powers of an act made in the twenty ninth year of King *George* the Second, for making a road from the east side of the parish of *Saint Matthew, Bethnal Green*, in the county of *Middlesex*, to the east end of *Church-street*, and to open a way into *Shoreditch*; and for repairing, paving, and regulating, *Old Cock-lane*, *New Cock-lane*, *Church-street*, and the road on the west side of the opening into *Shoreditch*, and for removing nuisances and obstructions therefrom, and preventing the same for the future.

Cap. 106. For repairing and widening several roads in the county of *Ayr*.

P R I V A T E A C T S.

1. AN act to enable the right honourable *James Oswald*, the right honourable *James Grenville*, and the right honourable *Isaac Barré*, to take, in *Great Britain*, the oath of office, as vice treasurer, and receiver general, and paymaster general, of all his Majesty's revenues in the kingdom of *Ireland*; and to qualify themselves for the enjoyment of the said offices.

2. An act for naturalizing *Mary Anne Amelie Burrowes*,

3. An act for naturalizing *Christiaan Van Teylingen*.

4. An act for naturalizing *Lewis Meastre*, *John Samuel Sibutz*,
Philip

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Philip David Krauter, Joshua Rougemont, Ferdinand De Mierre, and Christian Godfrey Klein.

5. An act for making more effectual an act passed in the third year of his present Majesty's reign, intituled, *An act for vesting part of the settled estates of Samuel Dashwood esquire, in trustees, for raising money to pay debts and incumbrances, and for providing an equivalent or compensation for the same, to the issue inheritable under his marriage settlement.*

6. An act for dividing and inclosing the open common fields, and other commonable grounds, in the parish of *Kencott*, in the county of *Oxford*.

7. An act for dividing and inclosing certain open and common fields, common pastures, common meadows, common grounds, and commonable lands, lying within the manor of *Chefferton*, in the county of *Oxford*.

8. An act for dividing and inclosing certain open and common fields, and commonable lands, in the parish of *Sandsford*, in the county of *Oxford*.

9. An act for dividing and inclosing a certain common moor, called *Carlisle and Cummersdale Moor*, in the county of *Cumberland*.

10. An act for dividing and inclosing *Halton Green*, and for disposing of other grounds, within the township of *Halton East*, in the parish of *Skipton*, in the county of *York*.

11. An act for dividing, allotting, and inclosing, such part of certain commons and waste grounds, called *Bentham Moor*, as lieth within the manor of *Ingleton*, in the west riding of the county of *York*.

12. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, lanes, and waste grounds, within the manor and parish of *Old*, otherwise *Wold*, in the county of *Northampton*.

13. An act for dividing and inclosing several commons or waste grounds, within the manor of *Cberley*, in the county palatine of *Lancaster*.

14. An act for dividing and inclosing the open fields, meadows, common pastures, and waste grounds, and also the marsh and fenny grounds, in the manor and parish of *Yaxley*, in the county of *Huntingdon*.

15. An act to dissolve the marriage of *John Scott* esquire, with *Jane Scott* his now wife, and to enable him to marry again; and for other purposes therein mentioned.

16. An act to enable Sir *Thomas Delves* baronet, and his heirs male, to take the name of *Broughton*.

17. An act to enable *Thomas Hotchkis*, to take the surname and arms of *Littler*, pursuant to the will of *Thomas Littler* deceased.

18. An act to enable *Sarah Aylon* spinster, to take and use the surname and arms of *Tyrrell*.

19. An act for naturalizing *John Rodolpb Valltravers*.

20. An act for naturalizing *Cristoffel Van Denbergb*, an infant.

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21. An act for naturalizing *Samuel Mandrot*.
22. An act for naturalizing *Nicolas Francis Beckman*.
23. An act for naturalizing *Theodore Van Teylingen*; an infant.
24. An act for naturalizing *John Lewis Baumgartner*; and *Amable Doet*.
25. An act for vesting the estate of *James Lucy Dighton*; an infant, in the parish of *Sberborn*, in the county of *Oxford*, in trustees, to be sold; and for applying the purchase money for discharging incumbrances affecting the same, pursuant to the directions of the court of chancery.
26. An act to enable the devisees for life, named in the will of *Pierce Starkie* esquire, deceased, and the trustees, to cut down and fell timber upon the freehold and copyhold or customary estates, late of the said *Pierce Starkie*, in the counties of *York* and *Lancaster*, and to grant leases of the quarries, mines, and minerals, within the freehold estates late of the said *Pierce Starkie*, in the same counties; and to invest the monies arising therefrom, in the purchase of lands and hereditaments, to be settled to the uses of the said will.
27. An act for annexing the rectory of *Purleigh*, in the county of *Essex*, to the office of provost of the house of the blessed *Mary the Virgin*, in *Oxford*, commonly called *Oriel College*, of the foundation of *Edward* the Second, of famous memory, sometime King of *England*.
28. An act for vesting in the dean and chapter of *Durham*, a certain piece of ground, adjoining to the town of *South Shields*, in the county palatine of *Durham*; and for making an adequate compensation to the curate of the chapel of *Saint Hilds*, in the said county, and his successors, for the same; and for enabling the said dean and chapter, to remove the fairs and markets, out of the town of *South Shields*, and to cause the same to be held on the said piece of ground.
29. An act for dividing and inclosing the open and common fields, and commonable places, within the parish of *Bibury*, and manors of *Bibury Ossney*, and *Bibury Northumberland*, and the hamlet or vill of *Arlington*, all in the said parish of *Bibury*, in the county of *Gloucester*.
30. An act for dividing and inclosing the open and common field, common meadows, common pastures, common grounds, and commonable lands, within the township and liberties of *Cosgrave*, in the county of *Northampton*, (exclusive of *Brownwood Green*, and *Kenson Field*, in the parish of *Cosgrave*, in the said county).
31. An act for dividing and inclosing the several open fields, meadows, and pasture grounds, within the manor and township of *Nun Monkton*, in the west riding of the county of *York*.
32. An act for dividing and inclosing the several open and common fields, and commonable lands, within the parish of *Olney*, in the county of *Bucks*.
33. An act for dividing and inclosing several lands and grounds, in the parish of *South Burton*, otherwise *Bishop Burton*, in the east riding of the county of *York*.
34. An

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34. An act for dividing and inclosing the open fields, meadows, common pastures, and all other commonable lands with the liberties of *Ruddington*, in the county of *Nottingham*.

35. An act for dividing and inclosing the open and common fields, common meadows, and commonable lands, within the hamlets or townships of *Wixford*, *Exhall*, *King's-Broom*, and *Burton-Broom*, in the county of *Warwick*.

36. An act for dividing and inclosing the open fields, meadows, common pastures, and commonable lands, lying south of the turnpike road, leading from *Nottingham* to *Alfreton*, within the liberties and townships of *Lenton* and *Radford*, in the county of *Nottingham*.

37. An act for the more effectual draining and preserving certain fen lands, and low grounds, in the hamlet of *Berwick*, in the parish of *Doddington*, *Whittlesey*, *Ramsley*, and *Farset*, in the Isle of *Ely*, and counties of *Cambridge* and *Huntingdon*.

38. An act for dividing and inclosing the several open and common fields, common meadows, and other commonable lands, in the parish of *Cubbington*, in the county of *Warwick*.

39. An act for inclosing, allotting, and dividing, the commons and waste grounds, open common fields, and open common meadow grounds, in the manor of the *Leigh*, in the parish of *Ston Keynes*, in the county of *Wills*.

40. An act for draining and preserving certain low grounds, in the parishes of *Adlingfleet* and *Whitgift*, in the west riding of the county of *York*.

41. An act to enable *Richard Bennet* esquire, and his issue, to take and bear the surname and arms of *Coffin*, pursuant to the will of *Richard Coffin* esquire, deceased.

42. An act to enable *Thomas Willis* esquire (lately called *Thomas Swettenbam*) and his issue, to take, use, and bear, the surname and arms of *Willis*, pursuant to the will of *Daniel Willis* esquire, deceased.

43. An act for naturalizing *Leonard Meyer* and *Lewis Giles*.

44. An act for confirming a contract of lease of mines between *Charles* duke of *Queensberry* and *Dover*, of the one part, and *Patrick Crawfurd*, *James Crawfurd*, and *Gilbert Meafon*, of the other part; and for enabling the said duke, and his heirs or assigns, to grant leases in terms of the said contract.

45. An act for dividing and inclosing a certain common, called *The Tarn Moor*, in the township of *Skipton*, in the west riding of the county of *York*; and for applying the produce thereof towards the relief of the poor of the said township.

46. An act for dividing, inclosing, and draining a parcel of waste ground, or common, called *Bishop Soil*, in the several parishes of *Hounden* and *Eastrington*, and in the parish or parochial chapelry of *Blacktoft*, in the east riding of the county of *York*.

47. An act for dividing and inclosing several open fields, commons, moor, or waste grounds, within the manors of *North Aston* and *Tadwick*, in the county of *York*.

48. An act for dividing and inclosing the common waste grounds

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grounds and sandhills, called *Layton Howes*, within the manor of *Layton*, in the parishes of *Poulton* and *Bispham*, in the county palatine of *Lancaster*.

49. An act for dividing and inclosing certain open fields, meadows, and stinted pastures, in the parish of *Carlton in Lindrick*, in the county of *Nottingham*.

50. An act for dividing and inclosing the open fields, and commonable places in *Cosby* and *Littlethorpe*, in the parish of *Cosby*, in the county of *Leicester*.

51. An act for dividing and inclosing several open fields, common pastures, and parcels of land and grounds, within the manor and township of *Huggate*, in the east riding of the county of *York*.

52. An act to enable *John Bowes* earl of *Strathmore* and *Kingborne*, and *Mary Eleanor Bowes*, countess of *Strathmore* and *Kingborne*, his wife, the daughter and only child of *George Bowes* esquire, deceased, to take and use the surname of *Bowes* only, pursuant to his will, and the settlement executed previous to the marriage of the said earl and countess.

53. An act to vacate an agreement made the tenth day of *July*, one thousand seven hundred and fifty eight, between the most noble *William* late duke of *Portland*, deceased, and *Margaret Cavenish* dutchess of *Portland*, then his wife, but now his widow, and the right honourable *Thomas* lord *Foley*, also deceased, concerning a building lease to be granted to the said lord *Foley*, of a parcel of land, in the parish of *Marybone*, in the county of *Middlesex*; and to establish and render effectual another agreement, dated the thirtieth day of *January*, one thousand seven hundred and sixty seven, concerning the premises.

54. An act to enable *Henry* duke of *Buccleugh*, a minor, to make a settlement on his intended marriage with the lady *Elizabeth Montagu*.

55. An act for exchanging part of the settled estates of *Willoughby* earl of *Abingdon*, in the county of *Wilts*, for another estate of greater value, in the county of *Berks*, to be settled in lieu thereof, and for other purposes therein mentioned.

56. An act for vesting part of the estate of Sir *Nigel Gresley*, baronet, in the county of *Stafford*, in trustees to be sold, to raise money for the payment of debts, and other purposes therein mentioned.

57. An act for vesting several undivided estates, late of *John Bennett* esquire deceased, and *Ann Spencer* widow, in the counties of *Surry*, *Kent*, and *Middlesex*, in trustees, in order to effect a partition between the said *Ann Spencer* and the devisees named in the will of the said *John Bennett*.

58. An act for confirming a lease, or grant, made by the honourable *Louisa Barbara Mansell*, sole daughter and heir of the right honourable *Buffy* lord *Mansell* deceased (now the honourable *Louisa Barbara Vernon*) wife of the honourable *George Venables Vernon* to *Chauncy Townsend* esquire, for certain purposes therein expressed, or to grant a new lease thereof.

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59. An act for vesting part of the estates, in the county-palatine of *Lancaster*, settled upon the marriage of *Fleetwood Hesketh* esquire, with *Frances* his wife, in trustees to be sold; and for applying the money arising from such sale in the paying off divers debts and incumbrances affecting the same, and for other purposes therein mentioned; and also for substituting, in lieu thereof, a certain estate in the said county called *Burne*, lately purchased by the said *Fleetwood Hesketh*.

60. An act for vesting part of the estate of *John Talbot* the younger esquire, settled on his marriage, in trustees, for raising a further sum of money, for discharging debts and incumbrances.

61. An act for dividing and inclosing several open and common fields, meadows, and commonable grounds, within the manor and parish of *Newton*, in the county of *Lincoln*.

62. An act for dividing and inclosing several open fields, meadows, common fens, and other commonable places, within the parish of *Danington*, in the county of *Lincoln*, and for draining and improving the same.

63. An act for dividing and inclosing certain open lands and grounds, in the parish of *Wootton*, in the county of *Lincoln*.

64. An act for dividing and inclosing certain open arable fields, moors, and commons, in the parishes of *Langton* and *Woodall*, in the county of *Lincoln*.

65. An act for dividing and inclosing certain open common fields, and uninclosed meadows, in the parish of *Aileston*, in the county of *Lancaster*.

66. An act for dividing and inclosing the open and common fields, common pastures, common grounds, waste grounds, and commonable lands, within the manor, parish and liberties of *Sbalsone*, in the county of *Bucks*.

67. An act to enable *John Fleming* esquire, lately called *John Willis*, and his issue, to take and use the surname and arms of *Fleming* only, pursuant to a settlement made by *Richard Fleming* esquire, deceased.

68. An act for discharging divers manors, rectory, messuages, lands, and hereditaments, part of the estate of the right honourable *Richard earl of Scarborough*, by him settled on his marriage with the right honourable *Barbara* countess of *Scarborough*, from the uses and trusts of the said settlement, and for settling other manors, lands, and tenements, of greater value, in lieu thereof, to the like uses.

69. An act for vesting part of the settled estates of Sir *John Dixon Dyke* baronet, lying in the counties of *Oxford*, *Suffex*, and *Kent*, in trustees, in trust to be sold for raising money to discharge a mortgage debt, affecting other parts of the said settled estates.

70. An act for vesting divers leasehold houses, late of *Hoydock Hill* deceased, in trustees, to be sold, and converted into money, to be applied, together with other part of his personal estate, for the benefit of his children intituled to the same, by

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virtue of his will; and for confirming a sale, leases, and contract, made by his widow and executrix, of other parts of his estate, for the benefit of his said children.

71. An act for sale of the real estate of *Tomkinson Cooper*, and *Ann* his wife, and for laying out the money, arising from such sale, in the purchase of other lands, and hereditaments, for the benefit of the said *Tomkinson Cooper*, and *Ann* his wife.

72. An act for vesting divers lands and hereditaments in the parish of *Hilborough*, in the county of *Norfolk*, the estate of *Deborah Bunting*, the widow and relict of *Edward Bunting* clerk, deceased, and *Edward Bunting* her infant son, by the said *Edward Bunting* clerk, in trustees, to convey the same to *Ralph Cauldwell* esquire, and his heirs, and for securing the money to be paid for the same.

73. An act for sale of part of the settled estates of *Matthew Henry Witham* esquire, in the county of *York*, for the discharging the debts and incumbrances thereon, and for other purposes therein expressed.

74. An act to empower the high court of Chancery, to order so much of the personal estate of *George Minchin* deceased, as now stands in the name of the accountant general of the said court to be transferred and paid to *Paul Minchin* and *Henrietta Minchin*, the only children of the said *George Minchin*; without their giving any security to refund the same.

75. An act for vesting an undivided third part of certain manors, messuages, lands, tenements, and hereditaments, situate and being in the city of *London* and in the counties of *Oxford* and *Bucks*, heretofore the estate of *Susannah Letten* widow, deceased, in certain trustees, and their heirs, in trust, to be sold; and for paying and applying the money, to arise by the sale thereof, in the manner therein mentioned.

76. An act to empower *Richard Rycroft* clerk, and his issue, claiming under his marriage settlement, to grant leases of houses and grounds, in *Clarges Street*, in the county of *Middlesex*.

77. An act for vesting several undivided moieties, and other parts, shares, hereditaments, and premises, being part of the estate of *John Bond* esquire, and *Mary* his wife, in trustees, to be sold, discharged of the uses of their marriage settlement, and investing the money arising by such sale, in the purchase of other lands, to be settled to the uses of the same settlement.

78. An act for vesting a messuage, and divers lands, with the appurtenances, in the county of *Hertford*, part of the estate comprised in the marriage settlement of *Fane William Sharpe* esquire, in trustees, to be sold, and for purchasing other lands and tenements, to be settled to the like uses.

79. An act for carrying into execution certain articles of agreement, entered into by *George Pitt* esquire, and his tenants, of the manor of *Kingston*, and *John Pitt* esquire, and by the said *George Pitt*, and *John Pitt*, for the exchange of lands, in *Purbeck*, in the county of *Dorset*.

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80. An act for exonerating part of the estate, late of *Thomas Becke* gentleman, deceased, charged with an annuity, or clear yearly rent of one hundred pounds, of and from the payment of the said rent; and for substituting and making liable to the payment thereof, other part of the estate of the said *Thomas Becke*, of equal value.

81. An act for vesting divers messuages, lands, and hereditaments, in the county of *Norfolk*, devised by the wills of *John Woodcock* and *Mary Platfoot* deceased, in *Matthew Pepper Manby*, and his heirs; and for settling other lands and hereditaments, in the same county, in lieu thereof, to the uses therein mentioned.

82. An act for sale of divers freehold and copyhold lands and tenements, in the parish of *Sunbury*, in the county of *Middlesex*, and of certain copyhold lands in the parish of *Hampston*, in the said county, part of the estate of *John Osborne* deceased, unto the right honourable *George* earl of *Pomfret*, pursuant to an agreement; and to apply the purchase-money in discharging the debts and incumbrances affecting the said estate; and for other purposes therein mentioned.

83. An act to enable his Majesty to grant the inheritance, in fee-simple, of divers manors, lands, and hereditaments, in the county of *York*, demised to *Constantine Phipps* esquire, by letters patent, under the seal of his Majesty's court of *Exchequer*, unto the said *Constantine Phipps*, and *Constantine John Phipps*, his eldest son, upon a full and adequate consideration to be paid for the same.

84. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and waste grounds, in the manor and parish of *Arthingworth*, in the county of *Northampton*.

85. An act for dividing and inclosing the open common, within the manor of *Distington* in the county of *Cumberland*.

86. An act for dividing and inclosing the open commons, within the manor of *Hensingham*, in the county of *Cumberland*.

87. An act for dividing and inclosing certain open common fields and meadows, in the parish of *East Barkwith*, in the county of *Lincoln*.

88. An act for dividing and inclosing the open commons, in the manor of *Shap*, in the county of *Westmorland*.

89. An act for dividing and inclosing the open commons, in the manor of *Reagill*, in the county of *Westmorland*.

90. An act for dividing and inclosing the open fields, meadows, pastures, and waste grounds, in the parish of *Farnon*, in the county of *Nottingham*.

91. An act for dividing and inclosing certain lands, grounds, and commons, in the several townships of *Adlingfleet*, *Fockerby*, and *Haldenby*, in the west riding of the county of *York*.

92. An act for dividing and inclosing the open and common fields, commonable lands, and waste grounds, of and in the parish of *Willersey*, in the county of *Gloucester*.

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93. An act for dividing and inclosing the common and several waste grounds, within the manor and parish of *Castle Sowerby*, in the county of *Cumberland*.

94. An act for dividing and inclosing the common, and several waste grounds, within the manor and parish of *Skelton*, in the county of *Cumberland*.

95. An act for naturalizing *John Kee* and *George Wolf*.

96. An act for naturalizing *Gerrard Goebell*.

97. An act for vesting several lands and tenements, settled and entailed upon *William* earl of *Radnor*, and his issue, by the wills of *Jacob*, late viscount *Folkestone*, and *Sir Edward Des Bouverie* baronet, deceased, in trustees, to be sold; and for purchasing and settling other lands and hereditaments in lieu thereof; and to empower the tenants for life to make such leases as are therein mentioned.

98. An act for confirming a partition between the reverend *Erasmus Saunders* doctor in divinity, and *Mary* his wife, and *Samuel Roycroft*, the younger, esquire, and *Ann* his wife, of several estates in the county of *Lincoln*, and for vesting and settling the same, to the uses, and on the trusts, contained in their respective marriage settlements, with respect to such estates; and for other the purposes therein mentioned.

99. An act for vesting the undivided parts of several manors, messuages, closes, lands, tenements, tolls, and other hereditaments, in the counties of *Leicester* and *Northampton*, devised by the will of *John Cogan* surgeon, deceased, in trustees, to be sold; and for applying the money arising by such sale, in the purchase of other lands, tenements, and hereditaments, to be settled to the uses contained in the said will.

100. An act for vesting part of the settled estate of *Richard Williamson* esquire, in trustees, to be sold; and for applying the money arising by such sale, for reimbursing the said *Richard Williamson* the expences he has been at in improving the said estate, and other purposes therein mentioned.

101. An act for vesting part of the settled estate of *Benjamin Booth* esquire, and *Jane* his wife, in the county of *Salop*, in trustees, to be sold; and for laying out the money arising from such sale, in the purchase of lands and hereditaments, to be settled to the like uses.

102. An act for vesting part of the settled estate of *William Hoopkins* esquire, deceased, in the counties of *Surrey* and *Kent*, in trustees, to be sold, for discharging money due upon a mortgage of his estate in *Kent*, called *Hethenden Farm*, and other debts and incumbrances; and for settling the said estate called *Hethenden Farm* so disincumbered, to and for the uses and purposes therein mentioned.

103. An act for sale of divers messuages, farms, lands, and tenements, in the county of *Essex*, intailed by the will of doctor *John Bamber* deceased; and for laying out the money arising by such sale, in the purchase of other lands and hereditaments, to be settled, in lieu thereof, to the like uses.

104. An

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104. An act for vesting divers lands and hereditaments, in the counties of *Suffex*, *Surry*, and *Kent*, part of the settled estate of *John Wicker* esquire, in him, his heirs, executors, and administrators; and for settling the manor of *Knepp*, alias *Knapp*, and divers lands and hereditaments, in the county of *Suffex*, being the estate of the said *John Wicker*, of greater value, in lieu thereof.

105. An act for vesting part of the settled estates of *William Poyntz* esquire, in trustees, to be sold, for discharging the incumbrances affecting the same; and for applying the remainder of the money thereby raised, in the purchase of other lands, tenements, and hereditaments, to be settled to the uses to which the said estates stood settled; and for other purposes therein mentioned.

106. An act for vesting the settled estates of *Susanna Dowding* widow, in the counties of *Kent* and *Suffex*, in trustees, to be sold; and for securing the monies, to be paid for the same, upon the trusts, and for the purposes in the act mentioned.

107. An act for dividing and inclosing a parcel of ground, called *Broyle Park*, within the manor of *Ringmer* in the county of *Suffex*.

108. An act for dividing and inclosing the open and common fields, common meadows, and other commonable lands and grounds, in the parish of *Scamblesby*, in the county of *Lincoln*.

109. An act for dividing, allotting, and inclosing, the whole year lands and pasture grounds, half year inclosures, common fields, and common or heath ground, in the parish of *Sbernborn*, in the county of *Norfolk*.

110. An act for dividing and inclosing the several open and common fields, common meadows, pastures, and commons, within the manor and lordship or parish of *Great Oxendon*, in the county of *Northampton*.

111. An act for inclosing a piece of waste ground, in the borough and township of *Kirby* in *Kendal*, for the benefit of the poor; and for cleansing and enlightening the streets of the said town; and for confirming a rule or order of assise, and order of the high court of Chancery, relating to the rates and assessments to be raised for relief of the poor, by the inhabitants of the said township, and the owners of lands called the *Park* and *Castle Lands*.

112. An act for dividing a certain fen, called *The Haute Huntre*, *Eight Hundred* or *Holland Fen*, and certain other commonable places adjoining thereto, in the parts of *Holland*, in the county of *Lincoln*.

113. An act to amend, and render more effectual, so much of an act, made in the thirty first year of the reign of his late Majesty, as relates to the draining and working certain coal mines, in the manor of *Wilnecote*, in the county of *Warwick*.

114. An act to enable *Joseph Copley* esquire, (lately called *Joseph*

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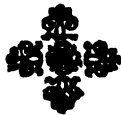
Joseph Moyle) and his issue, to take, use, and bear, the surname and arms of *Copley*, pursuant to the will of *Lionel Copley* esquire, deceased.

115. An act for naturalizing *Henry Hymans*.

116. An act for vesting part of the estates of *George* duke of *Saint Albans*, in trustees, for raising money to pay debts; and for other purposes therein mentioned.

117. An act for naturalizing *Sephia Magdalen Lamack*, an infant.

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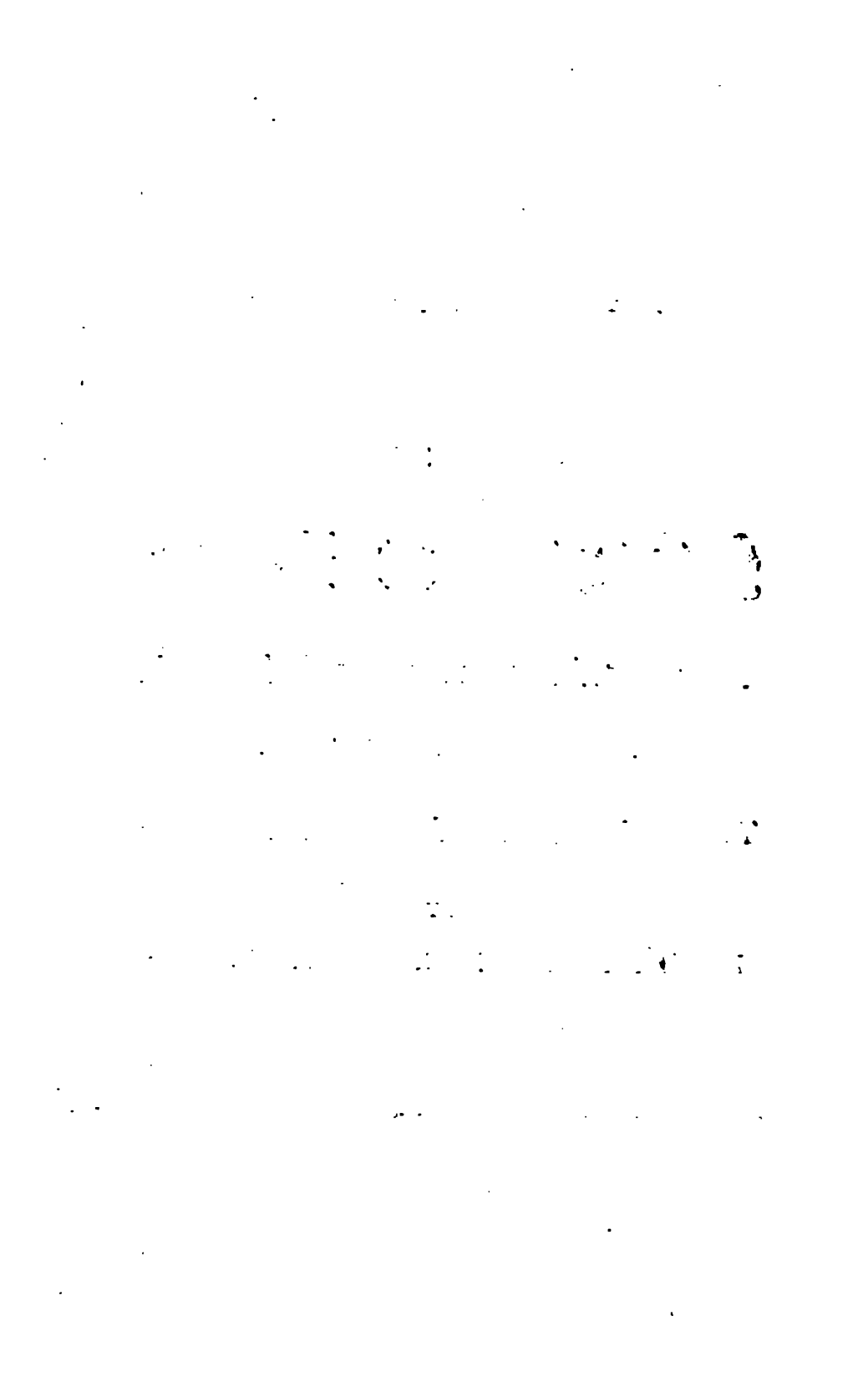


THE
Statutes at Large,

Anno septimo GEORGII III. *Regis.*

Being the SIXTH Session of the
Twelfth Parliament of GREAT BRITAIN.

BY
DANBY PICKERING, of GRAY'S INN, Esq;



T H E

S T A T U T E S at Large, &c.

Anno Regni GEORGII III. Regis
Magnæ Britannię, Franciæ, & Hiberniæ,
sexto.

AT the parliament begun and holden at Westminster, the nineteenth day of May, Anno Domini one thousand seven hundred and sixty one, in the first year of the reign of our sovereign Lord GEORGE the Third, by the grace of GOD, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the seventeenth day of December, one thousand seven hundred and sixty five, being the fifth session of the twelfth parliament of Great Britain.

C A P. I.

An act to continue an act made in the last session of parliament, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time.

WH E R E A S *an act of parliament passed in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time; which was to continue in force for twelve months from the commencement thereof, is near expiring: and whereas the allowing the importation of salted beef, pork, bacon, and butter from Ireland, for a further time, may be of great advantage to both kingdoms; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and all and every the clauses, provisions, penalties, forfeitures, allowances, drawbacks, matters, and things therein contained, shall be further continued from the expiration thereof, until the first day of February, one thousand seven hundred and sixty seven,*

Preamble, reciting act 5 Geo. 3. c. 1. The recited act further continued to 1 Feb. 1767.

as fully and effectually, to all intents and purposes, as if the same were inserted and re-enacted in the body of this present act.

C A P. II.

An act for continuing and granting to his Majesty certain duties upon malt, munn, cyder, and perry, for the service of the year one thousand seven hundred and sixty six.

Preamble. Malt act of 1 George 3. further continued to 24 June, 1767. Malt in Scotland to pay 3d. per bushel. Munn 10 s. per barrel. Cyder and perry made for sale, 4 s. per hoghead. How these duties are to be raised, &c. 20,000 l. to be raised in Scotland. Surplus to be added to the fisheries, &c. This act to relate to the same day and time as the act 1 Geo. 3. did. Malt brought from Scotland by sea, to be entered at the port of landing: Brought by land, to be entered at Berwick or Carlisle. Cyder for distilling not chargeable. Distiller to give notice to officer when he distils cyder. Allowances for exportation of malt. 1 W. & M. On certificate of malt being exported, and security, allowance to be paid. Penalty on relanding. Malt keeping for exportation to be kept separate till measured. Maltsters to give notice to officers, &c. Penalty on opening the locks, &c. Maltsters, on 24 June, 1766, to clear out of their warehouses all malt within fifteen months. And so all future maltsters. Clauses in act 12 Anne, & 6 Geo 1. 5 s. per bushel penalty on all corn steeping, or steeped for malt, which shall be found in the cistern or couch, so hard and compact as it could not be, unless the same had been forced together to prevent the rising. 100 l. penalty on fraudulently conveying from the cistern, any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. Penalties how to be recovered. Buyers of cyder or perry for their private use, not to be charged. Persons selling less than 20 gallons to be deemed retailers. Clause of loan at 3 l. per cent. Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury impowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 3 l. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques. &c. The bills to be placed as cash in the exchequer, and to be issuable therout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. Tallies to be levied for bills lent into the exchequer. Interest to continue till payment. Interest to cease whilst the bills are in the hands of receivers, &c. Bills paid to receivers, &c. to be signed and dated. Interest to be allowed to the said days. The bills may be reissued, both for principal and interest. Receivers to keep a book. Bills filled up by indorsements, or defaced, to be exchanged. Bills not exceeding 5000 l. each, to be made forth at the exchequer. Forging exchequer bills felony. How the monies arising by this act shall be applied. Treasury on 29 Sept. 1767, to take an account of all monies raised and discharged. Unpaid monies to be paid out of the next aid, or out of the sinking fund. Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon exchequer bills. Money, as brought in, to be paid to the paymasters. Bills to be registered in course. When interest to cease. Paymasters liable to the controul of the treasury. Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament: May lower or raise the interest with consent of treasury. Contractors how to be paid. No fee to be taken. No interest for less than one penny. Charges to be paid out of the sinking fund: to be replaced out of the first supplies. Clause of relief for bills lost or destroyed. Bills discharged to be cancelled. Sinking fund appropriated to discharge national debts incurred before 25 Dec.

1716. Deficiency of malt tax 4 Geo. 3. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1766.

CAP. III.

An act for allowing the importation of corn and grain, from his Majesty's colonies in America, into this kingdom, for a limited time, free of duty.

WHEREAS *the importation of corn and grain, from his Majesty's colonies in America into Great Britain, will be advantageous to these kingdoms;* may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any of his Majesty's subjects to import into *Great Britain*, in any ship or vessel navigated according to law, at any time or times before the twentieth day of *September*, one thousand seven hundred and sixty six, any corn or grain (rice excepted) from any of his Majesty's colonies in *America*, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former or other act or acts of parliament to the contrary thereof in anywise notwithstanding.

Preamble,
Liberty granted to import corn and grain from his Majesty's colonies in America at any time before 29 Sept. 1766, duty-free.

CAP. IV.

An act for allowing the importation of oats and oatmeal into this kingdom for a limited time, duty-free.

WHEREAS *the importation of oats and oatmeal into this kingdom, for a limited time, duty-free, would be an advantage to his Majesty's subjects;* may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any of his Majesty's subjects to import into *Great Britain*, in any ship or vessel navigated according to law, at any time or times before the twentieth day of *September*, one thousand seven hundred and sixty six; unless a shorter term shall be fixed for that purpose by any act to be passed in this session of parliament, any quantity of oats or oatmeal, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former or other act or acts of parliament to the contrary thereof in anywise notwithstanding.

Preamble,
Liberty given to import oats or oatmeal, at any time before 29 Sept. 1766, duty-free; unless a shorter term be fixed by any future act of this session.

CAP. V.

An act to prohibit the exportation of corn, grain, malt, meal, flour, bread, biscuit, and starch, for a limited time.

WHEREAS *the exportation of any sort of corn, grain, malt, meal, flour, bread, biscuit, and starch out of the kingdoms of Great Britain or Ireland, may at this time be greatly prejudicial*

Preamble,

No corn, or grain, or other of the commodities here enumerated, to be exported, or laid on board for exportation, from Great Britain or Ireland, at any time before 16 Aug. 1766; on forfeiture of the same, together with 20 s. per bushel for all such corn, &c. and 12 d. per lib. for all such bread, &c. with the vessel, her tackle and furniture, &c. One moiety to the crown, the other to the prosecutor; to be recovered by action of debt, &c. in the respective courts here mentioned;

and the master of the vessel being privy to, and aiding therein, to be committed for three months,

to his Majesty's subjects; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, no person or persons whatsoever, at any time or times before the twenty sixth day of August, one thousand seven hundred and sixty six, shall directly or indirectly export, transport, carry, or convey, or cause or procure to be exported, transported, carried or conveyed, out of or from the said kingdoms of *Great Britain* or *Ireland*, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported or carried out of the said kingdoms of *Great Britain* or *Ireland*, any sort of corn, grain, malt, meal, flour, bread, biscuit, or starch, under the penalties and forfeitures herein after mentioned; that is to say, That all the said commodities that shall be so exported, shipped, or laid on board, or loaded to be exported, shipped, or carried out, contrary to this act, shall be forfeited; and that every offender or offenders therein shall forfeit the sum of twenty shillings for every bushel of corn, grain, malt, meal, or flour; and twelve pence of lawful money of *Great Britain* for every pound weight of bread, biscuit, or starch, and so in proportion for any greater or less quantity, which shall be so exported, shipped, or put on board to be exported; and also the ship, boat, or vessel, upon which any of the said commodities shall be exported, shipped, or laden to be exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs, and successors, and the other moiety to him or them that will sue for the same; and for offences which shall be committed in that part of *Great Britain* called *England*, such penalties and forfeitures shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or before the justices of assize, or at the great sessions in *Wales*, or by information at any general quarter sessions of the peace for the county, city, riding, division, or place, where the offence shall be committed; and in such suit, no essoin, protection, privilege, or wager of law, shall be allowed; and for offences which shall be committed in that part of *Great Britain* called *Scotland*, by action or summary bill, or information, in the courts of session or exchequer in *Scotland*; and for offences which shall be committed in *Ireland*, in his Majesty's courts of record in *Dublin*, or at the general quarter sessions of the peace for the county, city, or place, where the offence shall be committed; and that the master and mariners of any such ship, boat, or vessel, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted in any such courts as aforesaid, shall be imprisoned for the space of three months, without bail or mainprize.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or being lawfully authorized in this behalf, by the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such of the said commodities not allowed to be exported by this act, or by his Majesty's royal proclamation, or such order of council in pursuance of this act, as he or they shall happen to find, know, or discover, to be laid on board any ship or other vessel or boat at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported, or conveyed out of *Great Britain* or *Ireland*, contrary to the true intent of this act, and also the ship, vessel, or boat, in which the same shall be found, and to bring the said goods to the King's warehouse or warehouses belonging to the custom-house next to the place where such seizures shall be made, or to some other safe place (where there are no such warehouses) in order to be proceeded against according to law, and in case of recovery, to be divided according to the directions of this act.

III. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation, or carrying out, of such or so much of the said commodities, as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages for the sustenance, diet, and support, of the commanders, masters, mariners, passengers, or others, in the same ships or vessels only; or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels in his Majesty's service; or for his Majesty's forces, forts, or garrisons; any thing herein contained to the contrary notwithstanding.

IV. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons, to ship or put on board any of the commodities aforesaid, to be carried coastwise; that is to say, from any port, creek, or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek, or member of the same respectively, having such or the like coast cocquet or sufferance for that purpose, and such or the like sufficient security being first given for the landing and discharging the same, in some other port, member, or creek, of the said kingdoms, and returning a certificate in six months, as is required by law, in cases where goods which are liable to pay duties on exportation, are carried coastwise from one port of *Great Britain* to another, and not otherwise.

V. Provided also, That this act, or any thing herein contained, shall not extend to any of the said commodities, which shall be exported, or shipped to be exported, out of or from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, or from *Great Britain* or *Ireland* to *Gibraltar*, or *Minorca*, or unto any of his Majesty's islands or colonies in *America*, that have usually been supplied with any of the said commodities from *Great Britain* to *Ireland*, or

Officers im-
powered to
seize all such
of the said
commodities
by this act, or
by proclama-
tion, or order
of council,
prohibited,
which shall be
found laden
on board any
vessel, in or-
der for export-
ation;

necessary pro-
visions for
ship's crews
in the King's
or merchants
service,
and for the
King's forces
excepted;

also such of
the said com-
modities as
shall be ship-
ped to be car-
ried coastwise
only;
first having
had a suffer-
ance, and se-
curity being
given for the
due landing,
and for produ-
cing a certifi-
cate thereof
within six
months;
also excepted
such of the said
commodities
as shall be ex-
ported from
Great Britain
to *Ireland*, or

from Ireland to Great Britain; or from thence to Gibraltar or Minorca; the American colonies, or fisheries there; the exporter giving security for the due landing,

and for producing a certificate thereof.

No fee to be taken by the officer taking such security, or granting such certificate: officer granting a false certificate, is incapacitated, and forfeits 200l. and person counterfeiting, or falsifying any such, forfeits 200l. and the certificate void; One moiety to the King, and the other to the informer, Bond to be prosecuted within 3 years.

Also excepted beans for the use of the British forts in Africa, or vessels trading thereto, giving security;

Great Britain or Ireland, for the sustentation of the inhabitants of the said islands, colonies, or dominions, or for the benefit of the *British* fishery in those parts only; so as the exporter do, before the shipping or laying on board the same, declare the island, colony, or dominion, islands, colonies, or dominions, for which the said commodities are respectively designed, and do become bound with other sufficient securities, in treble the value thereof, to the commissioners or chief officer or officers of his Majesty's customs belonging to the port or place where the same shall be shipped or put on board (who hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use) that such commodities shall not be landed or sold in any parts whatsoever, other than the kingdoms, dominions, islands, or colonies, for which the same shall be so declared; and that a certificate under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such, or the naval officer, or some other principal officer of the port where the same shall be landed, shall within the respective times, herein after for that purpose mentioned, (the dangers of the seas excepted) be returned to the officers, who took the said bonds, that the said commodities have been landed at the port or place for which the same shall be so declared; and for the taking of such security, and giving such certificate (which the respective officers are hereby on demand required to give) no fee or reward shall be demanded or received; and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs, or successors, in any office relating to the customs; and if any person shall counterfeit, raise, or falsify, any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds, and such certificate shall be void and of no effect; which said penalties, for offences committed in *Great Britain or Ireland*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in *America*, or other the dominions belonging to the crown of *Great Britain in Europe*, shall be recovered in the high court of admiralty, or in any other chief court of civil or criminal jurisdiction in such respective colonies, plantations, or dominions; and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

VI. Provided also, That nothing herein contained shall extend to prohibit the exportation of beans to the *British* forts, castles, and factories, in *Africa*, or for the use of the ships trading upon that coast, that usually have been supplied with the same from *Great Britain or Ireland*; so as the like security be given for the exporting thereof, as is required by this act to be

be

be given by persons carrying any of the said commodities to the *British* colonies in *America*.

VII. Provided also, That nothing herein contained shall extend to prohibit the united company of merchants of *England* trading to the *East Indies*, from exporting any of the said commodities to any of their forts, factories, or settlements, for support of the persons residing there; so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

also such of the said commodities as shall be exported by the East India company to their forts, &c. giving like security;

VIII. Provided also, That this act, or any thing herein contained, shall not extend to any wheat, malt, or barley, to be transported out of or from the port of *Southampton* only, unto the islands of *Jersey* and *Guernsey*, or either of them, for the only use of the inhabitants of those islands; so as the exporter, before the lading of such wheat, malt, or barley, or laying the same on board, do become bound with other sufficient security, (which the customer or comptroller of the same port hath hereby power to take in his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken) that such wheat, malt, or barley, shall be landed in the said islands of *Jersey* and *Guernsey*, or one of them (the dangers of seas only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever, and to return the like certificates of the landing the same there, as are herein before required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein after mentioned; and so as the quantity of wheat, malt, and barley, which at any time or times after the passing of this act, and before the said twenty sixth day of *August*, one thousand seven hundred and sixty six, shall be shipped at the said port for *Jersey* and *Guernsey*, or either of them, as aforesaid, doth not exceed in the whole five thousand quarters; any thing herein contained to the contrary notwithstanding.

also wheat, malt, or barley, exported from Southampton, for the use of the inhabitants of Jersey and Guernsey only, the exporter giving security, &c.

and so as the quantity do not exceed 5000 quarters in the whole.

IX. And be it further enacted by the authority aforesaid, That the commissioners of the customs for the time being shall, and they are hereby required to give a full and true account in writing to both houses of parliament, at the beginning of the next session thereof, of all corn, grain, malt, meal, flour, bread, biscuit, and starch, that shall, before that time, be exported to any place whatsoever, by virtue of or in pursuance of any of the liberties or powers hereby given or granted for that purpose.

Commissioners of the customs to lay before both houses of parliament, an account of the quantities of corn, &c. exported in pursuance of the powers here granted.

X. Provided, That nothing in this act contained shall extend to any malt declared or made for exportation, and barley steeped, and entered at the excise office, to be made into malt for exportation on or before the passing of this act, which shall be exported; provided the proprietor or proprietors thereof shall produce to the collector or chief officer of the port where such malt shall be exported, a certificate or certificates from the officer or officers with whom the entry of the corn intended to be made into such malt, before passing this act, also excepted; malt a certificate

being produced thereof from the proper officer at the port of exportation; also excepted such other of the aforesaid commodities as shall be cleared out before passing this act.
Rice also excepted.

His Majesty impowered by proclamation, or order of council, to permit, if he shall judge proper, the exportation of any of the said commodities at any time before the said 26 August.

Times limited for returning certificates.

malt for exportation shall have been made, that the said malt was actually declared or made for exportation, and the said barley steeped, and entered at the excise office, to be made into malt for exportation, on or before the passing of this act; nor to any other of the commodities aforesaid which shall be cleared out for exportation at any custom-house within *Great Britain*, on or before the passing of this act; or at any custom-house in *Ireland*, on or before the passing of this act, but that such ships or vessels shall be permitted to proceed on their voyages; any thing herein contained to the contrary in any wise notwithstanding.

XI. Provided always, and be it enacted, That nothing here contained shall extend to prohibit the exportation of rice out of this kingdom.

XII. Provided always, and be it enacted by the authority aforesaid, That in case his Majesty, at any time or times before the said twenty sixth day of *August*, one thousand seven hundred and sixty six, shall (in his royal discretion) judge it to be most for the benefit and advantage of this kingdom, to permit the exportation of corn, grain, malt, meal, flour, bread, biscuit, and starch, or any of them; that then it shall and may be lawful to and for his Majesty, by his royal proclamation or proclamations to be issued by and with the advice of his privy council, or by his Majesty's order in council to be published in the *London Gazette*, from time to time to permit and suffer all and every person and persons, natives and foreigners, but not any particular person or persons, at any times or times before the said twenty sixth day of *August*, to export or carry out of the kingdoms of *Great Britain* or *Ireland*, or out of both or either of them, all or any of the commodities aforesaid, to all or any other place or places, and upon or without giving security for the landing thereof in such place or places, and returning certificates of such landing, as to his Majesty shall seem meet, and as in such proclamation or proclamations, or such orders of council to be published in the *London Gazette*, shall be expressed and declared; any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That all certificates of the landing and discharging of the said commodities to be exported other than coast-wise, shall be returned within the respective times following; that is to say, Where the bonds are taken in respect of any of the said commodities to be exported from *Great Britain* or *Ireland* to any of the said colonies or plantations in *America*, within eighteen calendar months after the date of the said bonds; and where to *Gibraltar* or *Minorca*, within twelve calendar months after the date of such bonds; and where to the islands of *Guernsey* or *Jersey*, within six calendar months after the date of such bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within six calendar months after the date of such bonds respectively.

C A P. VI.

An act for extending the provisions of an act made in the last session of parliament, for the more easy and speedy recovery of small debts within the hundreds of Blackheath, of Bromley and Beckenham, of Rokesley otherwife Ruxley, and of Little and Lessness, in the county of Kent, to the hundred of Wallington in the county of Surrey.

C A P. VII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to the several acts of parliament now in force for that purpose, or, having been stamped, have been lost or mislaid, and for allowing them time to provide admissions duly stamped.

WHEREAS divers persons who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths, or the assurance, respectively appointed to be by such persons taken and subscribed, in and by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act made in the thirteenth year of the reign of King Charles the Second, intituled, An act for the well governing and regulating corporations; or to have qualified themselves according to another act made in the twenty fifth year of the reign of King Charles the Second, intituled, An act for preventing the dangers which may happen from popish recusants, by receiving the sacrament of the Lord's Supper according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned; or according to another act made in the thirtieth year of the reign of King Charles the Second, intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament; or according to another act made in the eighteenth year of the reign of his late majesty King George the Second, intituled, An act to amend and render more effectual an act passed in the fifth year of his present Majesty's reign, intituled, An act for the further qualification of justices of the peace; or according to another act made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one

Preamble, reciting the several qualifying acts of
1 Geo. 1,
13 Car. 2,
25 Car. 2,
30 Car. 2,
18 Geo. 2,
and 2 Geo. 3.

act

act of parliament, the several laws now in being relating to the raising and training the militia within that part of *Great Britain* called *England*; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities: For quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, who shall, on or before the twenty eighth day of *November*, one thousand seven hundred and sixty six, take and subscribe the said oaths and assurance respectively, in such cases wherein by law the said oaths and assurance ought to have been taken or subscribed, in such manner and form, and such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty King *George* the First, or by any other act or acts of parliament in that behalf made and provided; and also receive the sacrament of the Lord's Supper, according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed; and take and subscribe the oath directed by the said act made in the eighteenth year of the reign of his late majesty King *George* the Second, in such cases wherein the said oath ought to have been taken and subscribed, in such manner as by the said act is directed; and also, being a deputy lieutenant or officer of the militia, shall, on or before the first day of *August*, one thousand seven hundred and sixty six, leave his qualification in writing with the clerk of the peace, with whom he is, by the said act made in the second year of his present Majesty's reign, required to leave the same; shall be and are hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, incurred or to be incurred, for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declarations, or taking and subscribing the said oaths, or leaving his qualification in writing with the clerk of the peace respectively, according to the above mentioned acts, or any of them, or any other act or acts, is and are and shall be fully and actually recapacitated and restored to the same state and condition as such person or persons were before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned acts, and every of them; and that all acts done or to be done by any such person or persons, or by authority

Further time to 28 Nov. 1766, allowed to persons who have omitted to qualify themselves, as the said laws direct.

Persons qualifying themselves in manner, and within the time, appointed, recapacitated and indemnified.

ity

rity derived from him, her, or them, are and shall be of the same force and validity, as the same or any of them would have been, if such person or persons respectively had taken the said oaths or assurance, and received the sacrament of the Lord's Supper, and made and subscribed the said declaration, and taken and subscribed the said oath, and left his qualification in writing with the clerk of the peace, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves in manner, and within the time, appointed by this act, shall be, to all intents and purposes, as effectual, as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, and taken and subscribed the said oath, and left his qualification in writing with the clerk of the peace within the time, and in the manner, appointed by the several acts before mentioned.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, benefice, matter, or thing, whatsoever, already actually avoided by judgement of any of his Majesty's courts of record, already filled up or enjoyed by any other person; but such office, employment, benefice, matter, or thing, so avoided, or filled up and enjoyed, shall be and remain in and to the person or persons who is or are now intitled to the same, as if this act had never been made.

Offices already avoided by judgement of a court, and filled up, confirmed.

III. Provided also, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgement shall have been given in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law, or any person who shall have omitted to qualify himself within the time limited by any act or acts of parliament made during the reign of his late majesty King *George* the Second, for indemnifying persons who have omitted to qualify themselves for offices and employments.

None indemnified where final judgement hath been given for the penalty incurred.

IV. *And whereas admissions of divers members and officers of cities, corporations, and borough towns, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which, by several acts of parliament, are directed and required to be stamped, may not have been provided, or the same not duly stamped, or may have been lost or mislaid; be it further enacted by the authority aforesaid, That for the relief of such persons whose admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons, on or before the twenty eighth day of November, one thousand seven hundred and sixty six, to provide, or cause to be provided, admissions, or entries of admissions as aforesaid, duly stamped, and such persons so providing admissions,*

Such persons whose admissions may not have been provided or not duly stamped, or which have been lost, or mislaid, are allowed to do

Nov. 1766, to provide, &c. the same;

and they are thereupon indemnified, &c.

Where any shall desire to have their admissions renewed,

a hall is to be summoned for granting copies, and confirming such admissions.

sions, or entries of admissions as aforesaid duly stamped, are and shall be hereby confirmed and qualified to act as member or members, officer or officers, of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold, and enjoy, and execute the same, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns, as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages, by reason of any such omission, and none of his or their acts shall be questioned or avoided by reason of the same.

V. Provided always, That when and as often as any member or members, officer or officers, of any city, corporation, or borough town, shall desire to have his or their admissions, or the entries of their admissions, as aforesaid, renewed or confirmed in manner aforesaid, the mayor or other chief magistrate of such city, corporation, or borough town, shall, and he is hereby required in every such case, upon notice given to him by any one or more member or members, officer or officers, of any such city, corporation, or borough town respectively, to summon a hall, common council, or other proper public meeting, within ten days after such notice given to him, for the purpose of admitting or granting copies, or renewing and confirming the admissions, or the entries of the admissions, of such persons as aforesaid.

C A P. VIII.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

Preamble. Number of forces 17,306, including 2,513 invalids. After 24 March 1766, during the continuance of this act, every officer and private man, who shall mutiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping on, or shall desert, his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer; shall suffer death or such punishment as a court-martial shall inflict. The King may grant a commission to hold a court-martial, &c. Courts-martial may inflict corporal punishment for immoralities, &c. General court martial not to consist of less than 13; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. May administer an oath to witnesses. Officers to be sworn. The oath. The judge advocate to be sworn. The oath. In sentences of death, nine officers to concur, &c. Hours of trial. Deserter may be adjudged to serve in any corps abroad for life, or a term of years; but returning without leave before expiration of such term, he shall suffer death. The party tried, intitled to a copy of the sentence and proceedings of the court-martial. Original proceedings, &c. of courts-martial to be transmitted to the judge advocate general in London, &c. None to be tried a second time for the same offence, except in case of appeal. This act not to exempt soldiers from ordinary process. Penalty on false certificates to excuse soldiers from musters. Penalty on officers making false musters, &c. Fictitious names allowed by his Majesty's order upon the muster-rolls, for the maintenance of officers widows, not to be construed a false muster. Muster-master to give notice of muster to mayor, &c. Penalty on muster-master neglecting so to do. Muster-rolls to be signed by the mayor, &c. Penalty on persons offering themselves to be falsely mustered. Horses falsely mustered, to be forfeited, &c. Forfeiture how to be levied. Officer embezzling, &c. military stores, to be cashiered, and forfeit 100l. and the damage

to be made good by sale of his goods and chattels; for want of distress, a person to be committed. Application of the forfeiture. Muster-masters, &c. taking a muster, to make oath. The oath. Muster-rolls, though admitted without the oath indorsed to the paymasters general, to be good vouchers to the auditor. Penalty on agent, &c. detaining officer's or soldier's pay. Weekly rates. Penalty on agents disobeying of orders. Surgeon, &c. within ten miles of London, &c. to certify who are sick; and commanding officer, who are employed in raising recruits. Penalty on officer mustering persons by wrong names. Constables, &c. to quarter officers and men in inns, alehouses, &c. But in no distillers houses, or shopkeepers, or in any private houses. Penalty on constables, &c. quartering soldiers in private houses, &c. Penalty on officers quartering soldiers contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices, and be relieved. No justice having any military office, to be concerned in billeting his soldiers. Officers and soldiers to pay rates for their provisions, What innholders may allow men quarter'd on them, instead of meat. Penalty on taking money to excuse any person from quartering. Dragoons, &c. and their horses, to be billeted in the same house. Manner of changing men and horses. Clause relating to a soldier's settlement for his wife and children. Officers, &c. to be quartered in Scotland as the laws in force at the union direct. No paymaster, &c. to make deductions out of officers or private mens pay. Exceptions. Treasury may take out the money due for clothing every two months. Paymasters to deduct the off reckonings. Officers to give notice to innkeepers of subsistence-money in their hands. Rates of subsistence to be paid to innkeepers, &c. for soldiers quarters. Penalty on officers not paying subsistence-money. On nonpayment of quarters, the officer to make up accounts, &c. No muster in Westminster, &c. but in the presence of two or more justices. Constables, &c. may billet soldiers in Westminster, &c. Petty constables, &c. to quarter soldiers in their respective divisions. Constables, &c. to deliver lists at quarter sessions, on oath, of inhabitants, and soldiers quartered in their respective divisions; to be inspected without fee. Copies of such lists to be wrote by the clerk, at 2 d. per sheet, containing 150 words. Penalty on default. Penalty on giving defective lists. How to be levied. This act to extend to Jersey, &c. Muster-rolls to be closed on day of muster, and returned to the paymaster of the forces, &c. Penalty. Justices may order constables to provide carriages. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. Penalty on constables, &c. neglect. Treasurers of the county to repay the constables extraordinary charges. The money for those purposes how to be raised. No waggon, &c. to carry above 30 hundred weight. Carriages in Scotland how to be provided. Soldiers wives, &c. not to be quartered without consent. Penalty. Penalty on officers or soldiers destroying the game. How the account of every regiment shall be kept. Penalty on paymasters, &c. Penalty on colonels. Non-commission officer embezzling soldier's pay, &c. to be reduced, &c. Justices may commit deserters. Reward for taking up deserters. Penalty on persons concealing deserters, or buying their arms, clothes, &c. Penalty on officer breaking open house without warrant. His Majesty impowered to make articles of war. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. Deserters beyond sea, &c. may be tried here or in Ireland. This act to extend to deserters, &c. in Ireland, &c. Persons acquitted by the civil magistrate, may only be cashiered by a court-martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Paymasters, &c. to account with executors. Persons sued may plead the general issue. Treble costs. All suits to be brought in some of the courts of record at Westminster or Dublin, or the court of session in Scotland. Continuance of this act. Penalties against the act 1 George 1. where to be sued for. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10 l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process. Plaintiff may file a common appearance. Penalty on taking money to excuse any person from quartering; or victuallers refusing to quarter soldiers. Justices may order constables to give an account of the

number of soldiers quartered, &c. How the troops are to pay in passing over ferries in Scotland. Clause for relief of persons hastily lifting themselves. Persons refusing the said relief, to be proceeded against as if duly lifted. Offences against former mutiny acts punishable by this act. None liable to be tried or punished for offences against former acts unless committed within three years; except for desertion. Officers, &c. of the trains of artillery subject to this act. American troops, acting in conjunction with British forces, liable to the same martial laws. Officers and soldiers of the American troops sent over to Great Britain, to be quartered and billeted as the British forces, and under the same regulations and penalties. Where any corps beyond seas shall be relieved in order to return home, such of the men as shall choose may be inlisted, and incorporated with those appointed to remain; the occasion of quitting such former corps to be recited in the inlisting certificate. This act not to extend to the militia farther than is directed by the militia laws. As often as it shall be necessary, officers of the land and marine forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions

C A P. IX.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty six.

Preamble. 2,037,824 l. 15 s. and 11 d. to be raised in Great Britain. 1,989,170 l. 14 s. and 9 d. to be raised in England, in one year, from 25 Mar. 1766. Personal estates (except desperate debts, stock on land, household goods and loans to his Majesty) to pay 4 s. in the pound. Employments of profit (except military officers of the army or navy) to pay 4 s. per pound. Pensions and annuities out of the exchequer, &c. to pay, &c. Lands, tenements, mines, &c. to be charged with equality and indifference, &c. Lands, &c. subject to rent-charges, annuities, &c. Commissioners of the land tax for the year 1763, to put this act in execution. Commissioners to meet on or before the 30th of April, 1766, as by the act 4 W. & M. and may subdivide themselves, &c. A list of the commissioners to act in each division, to be given to the receiver-general. Commissioners to summon fit persons to be assessors, who are to appear before them in 8 days; and then to give them a charge. Persons absenting, or refusing to serve, forfeit, not exceeding 5 l. nor less than 40 s. Assessors to be two at least, and sufficient inhabitants. Assessments to be brought in at a day and place prefixed. The full sum charged to be assessed. A certificate of the assessment to be brought in, with the collectors names. Assessors, &c. neglecting their duty, to be fined not above 40 l. Assessors to deliver one copy of the assessments to the commissioners. Duplicates thereof to be signed, &c. and one delivered to the collectors, &c. with warrant for collecting. Commissioners required to give collectors notice at what time and place the appeal of any person who shall think himself aggrieved, by being over-rated, may be heard and determined. A duplicate in parchment to be delivered, together with the names of the assessors and collectors to the receiver-general; and one to the remembrancer's office, by 8 Aug. 1766, or 20 days after (all appeals first determined.) Remembrancer to give receipts gratis on penalty of 10 l. The rates to be levied on the parties or premises, and to be paid to the receivers-general, &c. The money collected to be paid to the receiver-general, or deputies; and they to give commissioners notice. Collectors not obliged to travel above 10 miles. Removal or death of receiver-general to be notify'd to the commissioners. 497,467 l. 13 s. and 8 d. 1 q. for the first quarterly payment, to be paid to the receivers by 24 June, 1766. The second payment by 29 Sept. 1766. The third payment by 25 Dec. 1766. The last payment by 25 March, 1767. Receiver-general within a month after receiving the full sum charged, to give the commissioners a receipt: which shall be a full discharge for payment. Receivers-general within 20 days to pay the monies into the exchequer. Receiver-general allowed 2 d. in the pound. Collectors to have 3 d. in the pound. Commissioners clerks to have three halfpence in the pound. Collectors may levy by distress in case of refusal of payment. Distress to be kept four days at the owner's charge; then appraised and sold, and overplus returned,

returned, &c. Commissioners to determine differences about distress. For want of distress, offender may be committed. (Except a peer or a peeress of Great Britain.) Tenants to pay the tax, and deduct so much out of the rents. Tenants discharged for what they so pay. Commissioners to settle differences between landlord and tenant. Commissioners to cause all deficiencies to be re assessed, and made good. Assessor refusing to serve, to forfeit, not exceeding 40*l.* Fine not to be discharged but by commissioners who imposed it; and levied by distress or imprisonment, and paid into the exchequer, and inserted in the duplicates. Collectors detaining the money, to be imprisoned, their estates seized and sold, &c. Commissioners to examine whether the sums assessed be duly collected, &c. In case of controversies in assessing commissioners, the commissioners concerned to withdraw. In default to be fined, not above 20*l.* No privileged place or person exempt from this tax. Fee-farm rents, &c. to be taxed. Tenants to pay the rates. Colleges, &c. in the universities, &c. not chargeable: nor the houses or lands which before the 25th of March, 1693, did belong to Christ's Hospital, &c. Nor corporation of clergymen sons, Bromley college, or any other hospitals. No tenants of hospitals, &c. to claim any exemption. Such tenants not discharged, who by leases are obliged to pay taxes. Commissioners to determine how far lands, &c. belonging to hospitals, &c. not exempted by name, ought to be charged. All hospitals lands, &c. assessed by 4 W. & M. liable to this aid, and no other. Receivers of fee-farm rents, &c. to allow 4*s.* per pound to the parties, without fee, on penalty of 20*l.* Auditors, &c. setting tenants *in super* for what ought to be allowed, or refusing allowance, to forfeit 100*l.* Such fee-farm rents only to have an allowance of 4*s.* per pound, as are answerable to the crown, or were purchased according to 22 & 23 Car. 2. The owners to allow the same to the party paying. Lists of pensions, &c. to be stopped gratis to the assessors. Taxes on pensions, &c. not paid, to be stopped in the exchequer. A true account to be kept of the money stopped. Persons to be taxed in the parish where they dwell. No proviso to lessen the full sum by this act to be levied. Contracts between landlord and tenant, touching taxes, not to be avoided. All places to pay where usually assessed. West Barnfield to be assessed in the lathe of Skray, Com' Kent. Northmore, Com' Oxon. in Bampton. Charlbury, &c. in Chadlington. Leeds, Com' Ebor. in Shyrack. Ombertley, Com' Worcester, in in Oswaldslow hundred. Aldemaiton, in Oswaldslow hundred. Parish of Yardley, in Halfshire hundred. Forest of Chute, where the first 4*s.* aid was assessed. Upton, in Pershore hundred. Calder and Ayre, at Wakefield and Leeds. Inhabitants of apartments, &c. in Somerset House, to be assessed in the same proportion with those in Lancaster liberty. General issue. Treble costs. Where lands, &c. are unoccupied, and no distress found, collectors may distrain at any time after. Wood may be cut down, and sold for distress. (Timber trees excepted) Tithes, tolls, &c. not paid within 6 days after demand, &c. may be seized and sold. Receiver-general returning persons who have paid the tax, to be in arrear, forfeits treble damages to the party grieved, and to his Majesty double the sum so returned. Commissioners to assess the assessors. None compelled to be assessors out of the limits of the city, &c. Assessments on foreign ministers houses to be paid by the landlords. In places extraparochial commissioners to nominate assessors and collectors, &c. No commissioner, &c. liable to any other penalties than such as are inflicted by this act. Commissioners not to act without taking the oaths by 1 Geo. 1. &c. Acting before oaths taken, forfeit 200*l.* Officers to pay where employed, &c. Officers in Chancery to be assessed in the rolls liberty. Annuities where rated. Pensions where payable. Personal estates, where persons resident, &c. Persons not householders, where resident. Absent persons to be rated where they were last resident. Goods, &c. to be assessed where they shall be. Persons doubly rated, discharged on certificate. Not to extend to Scotland, Ireland, Jersey, or Guernsey. Persons avoiding the tax, charged treble. Householders to give an account of their lodgers, on forfeiture of 5*l.* Shares in the New River, &c. to pay 4*s.* per pound. Shares in the Fire Office, and in the Lights, and the King's Printing House to pay 4*s.* per pound. Merchants, bank of England, post-office, &c. to be paid by the governors, &c.

&c. of the river-waters, and water-works, refusing to pay the collectors impowered to levy the sum by distress and sale. Papists 18 years of age not taking the oaths 1 W. & M. to pay double: unless taken within 10 days after the commissioners first meeting. Persons 18 years of age refusing the oaths, to pay double. Commissioners to summon suspected persons, &c. Quakers to subscribe the declaration 1 W. & M. Commissioners to double assess papists, where assessors omit. Tenants discharged from double rates. King's Bench, Marshalsea prison, &c. to be assessed in Saint George's parish, &c. Officers of the Marshalsea court refusing to pay, &c. collectors by warrant from commissioners may distrain. If no goods sufficient, officer to be imprisoned. Fleet prison to be assessed in St. Bride's. Officers at Stoke Damrel, near Plymouth, to be assessed within the town of Plymouth, &c. Hospital at East Stonehouse to be assessed also within the town of Plymouth, &c. 20 l. to be paid out of the sum assessed on the said officers, in aid of the assessment on East Stonehouse. Water-works in Southwark to be assessed in Surrey. Water-works in Westminster to be assessed there. Offices, &c. in Whitehall and St. James's, to be there assessed. Collectors of the water-works in Colchester chargeable. Collectors for the water-works in New Windsor, chargeable. Patent officers to bishopricks to pay where assessed in 1693. Commissioners appointed to act, without subdividing the parish of St. Andrew Holborn in Middlesex. The parish of St. George Hanover Square to be charged with a distinct quota from the parish of St. Martin in the Fields. Debates arising concerning the joint quota; the commissioners who are inhabitants of either parish to withdraw, or to be fined a sum not exceeding 20 l. The parishes of St. John, St. Peter, and Berchington, to be charged in Dover liberty, according to the assessment 4 W. & M. Lands not worth 20 s. per annum, not chargeable. Collectors keeping monies in their hands, to forfeit 40 l. Receiver-general misapplying the monies to forfeit 500 l. Commissioners of the treasury, &c. not to divert the payments into the exchequer. No *Noli prosequi*, &c. in any suit against this act. Commissioners to abate where lands are overcharged, and to re-assess, &c. or raise it on persons undercharged. Receiver-general answerable for deputies. Sub-collector not to travel above ten miles, &c. Receivers not nominating deputies, &c. to forfeit 100 l. Commissioners for the county at large may act for any city, &c. Mayors, bailiffs, &c. to act as commissioners specially appointed. Members of parliament to be taxed at their mansion-houses. First meeting for the west riding of York at Pontefract; north riding at Thirsk; east riding at Beverly. No commissioner capable to act in any county at large, unless rated at 100 l. per ann. (Merioneth, Cardigan, &c. excepted.) Commissioners for Anglesea, &c. to act, if taxed at 60 l. per ann. Commissioners may act for any city, being inhabitants, or inns of court, &c. Attornies, &c. not to be commissioners, without possessing 100 l. per ann. No commissioner of the city of London, or liberty of St. Martin le Grand, to act, unless rated at 20 l. per ann. of his own estate, &c. No commissioner of the city, &c. of Westminster to act, unless rated at 20 l. per ann. of his own estate. Persons disabled, presuming to act, to forfeit 50 l. Collectors of the new water-works in Exon, chargeable. Her majesty the Queen not chargeable; nor her royal highness the Princess dowager of Wales: nor her royal highness the Princess Amelia. Superannuated sea officers not to pay, &c. nor poor knights of Windsor. Residentiaries in what cases not chargeable. Nor 100 l. per ann. to the poor clergy of the isle of Man. Nor pages of honour. Receivers-general to give notice of failures in payment of the taxes. Commissioners for Lincoln to act in Lincoln Close. And for the county, in St. Martin Stamford Baron. Auditor to keep a register, &c. Deputies to pay for principals, and on nonpayment liable to distress. Receiver-general to give a list of money received by him, at the time and place appointed. On refusal, to forfeit any sum not exceeding 20 l. Collectors may keep so much money as any 2 commissioners judge reasonable. No receiver to return an *insuper* upon any county, &c. after 3 years, for monies in arrear; but the same to be a debt on him and his securities. Sheriff, on writs of *Distingas*, to return issues after the rate of 5 l. per cent. of the sum set *insuper*; and process to issue thereupon, &c. Water-works in Shrewsbury chargeable, Who shall have the benefit only of overplus

plus sums uncharged. Clause for the ease of protestants, to whom lands, &c. have come, which have been doubly taxed. Where lands formerly doubly taxed are liable only to a single assessment; commissioners, on complaint, to examine into the truth thereof, and to certify the same to the barons of the exchequer, before 29 Sept. 1766; who are to discharge the overplus before the last day of Nov. 1766. Certificates of the sums discharged to be produced to the commissioners at their next meeting. Commissioners may summon collectors, who have converted land tax monies to their own use, or their heirs, &c. and on examination may issue their warrants for paying such monies to his Majesty's use. The payments made according to the commissioners warrants, &c. shall be discharged to the collectors, or their heirs, &c. Collectors not paying, may be imprisoned, and their estates seized and sold. Arrears of former land taxes to be levied by the present commissioners. No receiver-general, or his agents, may sue the county for a robbery, unless the persons carrying the money be 3 in company. Tolls or duties on turnpikes not chargeable by this or any former act. Commissioners may, before 29 Sept. 1766, summon assessors, who have not charged their estates since 6 May, 1717, and examine them upon oath, and award satisfaction, to be levied and paid to the collectors. Commissioners, &c. to distinguish and set down the gross sums assessed for double taxes, to be transmitted in the exchequer. Assessments on the town of Cambridge to be raised on manors, &c. and on fishings, &c. on the river Cam. On whom, and when, yearly assessments on fairs, &c. to be collected. Distresses on default of payment, how to be levied. Tenants of booths, &c. to pay the rates, and deduct them out of their rents, &c. 47,954 l. 1 s. 2 d. to be raised in Scotland, by an 8 months cess of 5,994 l. 3 s. 1 d. 3 q. per mensem; to be rated as the tax roll now is or shall be settled by themselves. The first two months cess to be paid by 24 June, 1766. Second 29 Sept. 1766. Third 25 Dec. 1766. Fourth 25 March, 1767. Commissioners for putting this act in execution in Scotland. And execution to be done as by the said acts. First meeting to be at the head burghs on 30 April, 1766. All clauses in former acts relating to the bringing in the cess, &c. to be in full force. No persons in Scotland holden to produce their receipts after 3 years. Debtor owing money in Scotland at 6 per cent. to retain a 6th part of 6 per cent. from 21 Nov. 1765, to 21 Nov. 1766. 47,954 l. 1 s. 2 d. to be raised free of all charges, and to be paid at Edinburgh. No person to be a commissioner of the land tax in Scotland, who is not enfeoffed of 100 l. Scots per ann. real rent, in the county where he acts. Exception. Commissioners in Scotland to take the oaths, and subscribe the assurance. Provoost, &c. of any royal borough may act as a commissioner. Clause of loan at 3 l. 10 s. per cent. Tallies of loan to be struck, &c. Orders to be registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where tallies are dated or brought the same day; nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury impowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 3 l. 10 s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the exchequer. Clauses in the malt tax act relating to exchequer bills, extended to this. How the monies arising by this act shall be applied. Treasury on 29 Sept. 1767, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aid, or out of the sinking fund. The monies to be replaced out of the first supplies. Deficiency of the land tax, 4 Geo. 3. how to be supplied.

C A P. X.

An act for the regulation of his Majesty's marine forces while on shore.

Preamble. After 25 March 1766, during the continuance of this act, every marine officer and private man on shore, who shall mutiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer; shall suffer death, or

such punishment as a court-martial shall inflict. The lord high admiral, or commissioners for executing that office, may grant a commission to hold general courts-martial, &c. Courts-martial may inflict corporal punishment for immoralities, &c. Lords, &c. of the admiralty impowered to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. General court-martial not to consist of less than 13; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. May administer an oath to witnesses. Officers to be sworn. The oath. The judge advocate to be sworn. The oath. In sentences of death, nine officers to concur, &c. Hours of trial. The party tried, intitled to a copy of the sentence and proceedings of the court-martial. Original proceedings, &c. of courts-martial, to be transmitted to the secretary of the admiralty, &c. None to be tried a second time for the same offence. Sentence not to be revised more than once. Deserters beyond sea, &c. may be tried here or in Ireland. This act not to exempt any on shore from ordinary process. Persons acquitted by the civil magistrate, may only be cashiered by a court-martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Fictitious names allowed by his Majesty's order upon the muster-rolls, for the maintenance of officers widows, not to be construed a false muster. Paymaster to pay the full pay of such men to the receiver. Constables, &c. to quarter officers and men in inns, alehouses, &c. But in no distillers houses or shopkeepers, or in any private houses. Penalty on officers quartering private men contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices, and be relieved. Officers and marines to be furnished at the rates herein set for their provisions. What innholders may allow men quartered on them, instead of meat. Penalty on taking money to excuse any person from quartering. Commanding officer may exchange marines in their quarters. Constables to billet the same accordingly. No paymaster, &c. to make deductions out of officers or private men's pay. Exceptions. Officers to give notice to innkeepers of subsistence-money in their hands. Rates of subsistence to be paid to innkeepers, &c. for marines quarters. Officers not giving notice of subsistence-money, and paying quarters, paymaster to satisfy them out of the company's next pay, and officers to be cashiered. On moving from quarters, the officer to make up accounts, and give certificates for money due, &c. Paymaster to pay the sum certified for. Officers, &c. to be quartered in Scotland, as the laws in force at the union direct. Justices to order constables to provide carriages for the marine forces on their march. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. Penalty on constables, &c. neglect. Treasurers of the county to repay the constables extraordinary charges. The money for those purposes how to be raised. No waggon, &c. to carry above 20 hundred weight. Carriages in Scotland how to be provided. Marines wives, &c. not to be quartered without consent. Penalty. Penalty on officers and marines destroying the game. Constables may apprehend deserters and carry them before a justice. Justices to commit them, and transmit an account to the secretary of the admiralty. Gaol-keeper to receive the subsistence of deserters. Reward for taking up deserters. Penalty on persons concealing deserters, or buying their arms, clothes, &c. This act to extend to deserters, &c. in Ireland. Continuance of this act. Offences against former acts may be enquired of and punished as under this act, provided no person be liable to be tried for offences committed 3 years before issuing the warrant for trial; except in cases of desertion only. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process, otherwise prisoner to be discharged, with costs. Plaintiff giving notice, may file a common appearance, and proceed to judgement and execution. Penalty on constables, &c. neglecting to quarter marines. Penalty on taking money to excuse any person from quartering, and on victuallers refusing to receive marines. To prevent abuses in quartering, justices may order constables to give an account of the number of officers,

and

and private men, and where quartered. Clause for relief of persons hastily listing themselves. As often as it shall be necessary, officers of the marine and land forces may sit in conjunction upon courts martial; taking rank according to the seniority of their commissions. Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo. 2.

C A P. XI.

An act to repeal an act made in the last session of parliament, intituled, An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.

WHEREAS *an act was passed in the last session of parliament, intituled, An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned: and whereas the continuance of the said act would be attended with many inconveniencies, and may be productive of consequences greatly detrimental to the commercial interests of these kingdoms; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand seven hundred and sixty six, the above-mentioned act, and the several matters and things therein contained, shall be, and is and are hereby repealed and made void to all intents and purposes whatsoever.*

Preamble.

The recited act repealed, to take place from and after 1 May, 1766.

C A P. XII.

An act for the better securing the dependency of his Majesty's dominions in America upon the crown and parliament of Great Britain.

WHEREAS *several of the houses of representatives in his Majesty's colonies and plantations in America, have of late, against law, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes upon his Majesty's subjects in the said colonies and plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders,*

Preamble.

The colonies and plantations in America declared to be subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and the legislative authority of Great Britain and people of America, as subjects, in all cases whatsoever.

All resolutions and proceedings of the said colonies denying, or calling in question the said power, declared null and void.

ders, derogatory to the legislative authority of parliament, and inconsistent with the dependency of the said colonies and plantations upon the crown of Great Britain: may it therefore please your most excellent Majesty, that it may be declared; and be it declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said colonies and plantations in *America* have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of *Great Britain*; and that the King's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of *Great Britain*, in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of *America*, subjects of the crown of *Great Britain*, in all cases whatsoever.

authority of Great Britain declared to extend to, and bind the colonies and people of America, as subjects, in all cases whatsoever.

II. And be it further declared and enacted by the authority aforesaid, That all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the parliament of *Great Britain*, to make laws and statutes as aforesaid, is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever.

CAP. XIII.

An act to remove a doubt concerning such part of an act made in the last session of parliament, as relates to the ascertaining of the duties upon the importation of certain linen cloth of the manufacture of Russia; and to obviate all doubts with respect to the importation of tea, under certain licences authorized to be granted by an act made in the eighteenth year of the reign of his late Majesty.

Preamble, reciting clause in an act of the last session.

WHEREAS by an act made in the last session of parliament, intituled, An act for the better securing and further improvement of the revenues of customs, excise, inland, and salt duties; and for encouraging the linen manufacture of the isle of *Man*; and for allowing the importation of several goods, the produce and manufacture of the said island, under certain restrictions and regulations; it is amongst other things enacted, That from and after the first day of June, one thousand seven hundred and sixty five, the duties payable upon the importation of unrated linen cloth, of the manufacture of Russia, shall cease and determine; and that all the provisions and clauses contained in any former act or acts of parliament, so far as the same relate to the ascertaining the value of such unrated linens, according to the oaths or affirmations of the importers, shall be repealed and made void; and that in lieu of the said duties thereby repealed, from and after the said first day

day of June, one thousand seven hundred and sixty five, all linen cloth or diaper of Russia, not otherwise rated, which shall be imported into Great Britain, shall be rated to pay the old subsidy, and all other subsidies or duties due for the same, according to the several rates and values in the said recited act mentioned; that is to say, all linen cloth and diaper of Russia, not otherwise rated, exceeding thirty one inches and one half of an inch in breadth, and not exceeding forty five inches in breadth, for every one hundred and twenty English ells, six pounds; and for all linen cloth and diaper of Russia, not otherwise rated, exceeding forty five inches in breadth for every one hundred and twenty English ells, ten pounds; and in that proportion for any greater or less quantity of any of the said goods; and whereas several quantities of linen cloth and diaper of Russia, exceeding twenty two inches and one half of an inch, and not exceeding thirty one inches and one half of an inch in breadth, have, since the said first day of June, one thousand seven hundred and sixty five, been imported into Great Britain, which sort of linen formerly paid duty ad valorem; and the same being omitted to be expressly rated in the said recited act, doubts have arisen, whether the duties upon such linen are to be ascertained according to the former method, by the oath of the importer, or in proportion to the rates affixed by the said recited act upon Russia linen not otherwise rated, exceeding in breadth thirty one inches and one half of an inch: and whereas the proportion of such rates, when applied to Russia linen, exceeding twenty two inches and one half of an inch, and under thirty one inches and one half of an inch in breadth, is four pounds for every one hundred and twenty English ells: now to obviate those doubts, and for supplying such omission, may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all linen cloth and diaper of *Russia*, not otherwise rated, exceeding twenty two inches and one half of an inch, and not exceeding thirty one inches and one half of an inch in breadth, which have been, or shall be, imported into any port or place within *Great Britain*, from and after the said first day of June, one thousand seven hundred and sixty five, shall be rated to pay the old subsidy granted by the act of tonnage and poundage, made in the twelfth year of the reign of King *Charles* the Second, and all other subsidies, imposts, and duties whatsoever, payable for the same, according to the rate and value of four pounds for every one hundred and twenty *English* ells of such linen, in the same manner, and by such rules, ways and means, as if the same had been particularly and expressly so rated and valued in the said recited act, made the last session of parliament; any thing therein contained to the contrary notwithstanding.

Russia cloth not otherwise rated, and exceeding 22 1/2 inches in breadth, but not more than 31 1/2 inches, imported after 1 June, 1765, to pay as here rated.

II. And whereas by an act of parliament made in the twenty eighth year of the reign of his late majesty King *George* the Second, intituled, An act for making more effectual the laws prohibiting the importation of spirituous liquors in casks or vessels not containing

A& 28 Geo. 2.

sixty gallons, and of tea above the quantity of six pounds, found on board any *British* ship or vessel, not belonging to, or employed by, the *East India* company; reciting, amongst other things, that notwithstanding the several provisions made for preventing frauds, ships and vessels arriving from foreign parts frequently had on board tea, which tea was intended to be run on shore, without payment of the duties thereof; but in order to prevent the seizure and forfeiture thereof, was brought into port, under pretence that it was designed for exportation, and was frequently reported for exportation to foreign parts, and nevertheless was afterwards run on shore; it was therefore enacted, that from and after the twenty fourth day of June, one thousand seven hundred and fifty five, all tea above the quantity of six pounds, which should be found in any *British* ship or vessel arriving in Great Britain from foreign parts, excepting those belonging to, or employed by, the *East India* company, should be forfeited and lost, whether such tea should be intended or reported for exportation or not: and whereas doubts have arisen, whether the powers contained in an act made in the eighteenth year of his said late Majesty's reign, intituled, An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another; to grant licences to any person or persons, body or bodies politick or corporate (other than the *East-India* company) for the importation of tea into this kingdom from any part of Europe, were not repealed by the said act made in the twenty eighth year of his said Majesty's reign: now for obviating such doubts,

Act 18 Geo. 2.

The act of 18 Geo. 2. declared not intended to prevent the granting licences for the importation of tea from any parts of Europe; or to hinder any persons, other than the *East India* company, from duly importing any quantities of tea, so as not to exceed the quantities licensed.

be it declared and enacted by the authority aforesaid, That the said act, made in the twenty eighth year of his said late Majesty's reign, was not intended to extend, and doth not extend, to hinder or prevent the granting of any licence whatsoever, for the importation of tea into this kingdom from any parts of Europe, in pursuance of the powers contained in the said act made in the eighteenth year of the reign of his said late majesty; or to hinder or prevent any person or persons, body or bodies politick or corporate, other than the *East India* company, from importing any quantities of tea, not exceeding the quantities for which any such licence hath been or shall be granted, in any *British* ship whatsoever, navigated according to law, or to make tea so imported liable to forfeiture; any thing in the said act notwithstanding.

C A P. XIV.

An act for repealing the duties granted upon cyder and perry by an act made in the third year of his present Majesty's reign, and for granting other duties on cyder and perry in lieu thereof; and for more effectually securing the duties on cyder and perry imposed by several former acts.

Preamble, reciting act

WHEREAS certain duties of excise were laid on cyder and perry by an act of parliament made in the third year of his present Ma-

Majesty's reign; intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties; and divers provisions and directions, for and in relation to the managing, securing, ascertaining, collecting, recovering, levying, and paying, the said duties upon cyder and perry, were enacted by the said act, and by one other act of parliament made in the fourth year of the reign of his present Majesty, intituled, An act to explain and amend such part of an act made in the last session of parliament, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties, as relates to cyder and perry made in this kingdom: and whereas great inconveniences have arisen from the manner of laying and collecting the said duties: For remedy thereof, and in order to maintain your Majesty's revenue, and secure a proper and sufficient fund towards payment of such incumbrances as are now charged on those and other duties by the said act passed in the third year of your Majesty's reign; we, your Majesty's most loyal and dutiful subjects, the commons of Great Britain in parliament assembled, think it will be for the advantage of the publick to repeal the said duties on cyder and perry, and, in lieu thereof, to grant unto your Majesty the several duties herein after mentioned; and therefore do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty six, all the duties granted and imposed upon cyder and perry, by the said act made in the third year of his present Majesty's reign, shall cease, determine, and be no longer paid or payable; and that then, and from thenceforth, all the powers and authorities given and granted, and all the rules and regulations established and prescribed by the said act made in the third year of his present Majesty's reign, for or in relation to the managing, securing, ascertaining, collecting, recovering, levying, and paying, the said duties, and all penalties and forfeitures in respect thereof, and also the said act made in the fourth year of his present Majesty's reign, shall determine, and be no longer put in execution; save only and except in all cases relating to the recovering any arrears which may, at that time, remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon or at any time before the said fifth day of July, one thousand seven hundred and sixty six; any thing herein contained to the contrary notwithstanding.

.. II. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty six, all the duties granted and imposed upon cyder and perry, by the said act made in the third year of his present Majesty's reign, shall cease, determine, and be no longer paid or payable; and that then, and from thenceforth, all the powers and authorities given and granted, and all the rules and regulations established and prescribed by the said act made in the third year of his present Majesty's reign, for or in relation to the managing, securing, ascertaining, collecting, recovering, levying, and paying, the said duties, and all penalties and forfeitures in respect thereof, and also the said act made in the fourth year of his present Majesty's reign, shall determine, and be no longer put in execution; save only and except in all cases relating to the recovering any arrears which may, at that time, remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon or at any time before the said fifth day of July, one thousand seven hundred and sixty six; any thing herein contained to the contrary notwithstanding.

3 Geo. 3.

and 4 Geo. 3.

From and after 5 July, 1766, the duties granted by the recited act of 3 Geo. 3. are to cease; as also all the powers and regulations, &c. established by the said act, together with the recited act of 4 Geo. 3.

except as to arrears; or penalties incurred before that time.

In lieu of the duties so repealed, the

following new or additional duties are to take place;

viz. on all foreign cyder and perry imported 3l. per tun;

and on all cyder and perry made in Great Britain, and sold by retail, 6s. per hogf-head,

to be paid by the retailer;

and on all cyder and perry made in Great Britain, and consigned to any factor for sale,

16s. 8d. per hoghead, to be paid by the factor.

All persons receiving any cyder or perry into their custody, for sale, are deemed factors, and chargeable with the said duty; unless the same was made from fruit of their own growth; or were otherwise duly charged.

hundred and sixty six, there shall be raised, collected, levied, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon all cyder and perry which shall, at any time or times, be imported or brought into the kingdom of *Great Britain*, over and above all other customs, subsidies, and duties, by any act or acts of parliament, or law whatsoever, imposed upon, or payable for, the same, the additional rate, or new duty of excise, herein after expressed; that is to say, For every ton of cyder or perry imported into *Great Britain* from any parts beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above all other duties payable for the same, three pounds.

III. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon all cyder and perry, which shall be made within the kingdom of *Great Britain*, over and above all other duties, charges, and impositions, by any former act or acts of parliament thereupon respectively set, rated, or imposed, the new duty of excise herein after mentioned and expressed; that is to say, For all cyder and perry, which shall be made in *Great Britain*, and sold by retail, upon every hoghead, to be paid by the retailer thereof, over and above all other duties payable on the same, and so proportionably for a greater or less measure, six shillings.

IV. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon all cyder and perry, which shall be made in *Great Britain*, upon every hoghead thereof, which shall be sent or consigned to any factor or agent who shall receive the same to sell or dispose of, and so proportionably for a greater or less quantity, sixteen shillings and eight pence, to be paid by such factor or agent.

V. And it is hereby further enacted and declared by the authority aforesaid, That all and every person and persons who shall receive into his, her, or their custody or possession any cyder or perry, to be by him, her, or them, sold or disposed of, shall be deemed to be, and is and are hereby declared to be, a factor or agent, factors or agents, within the intent of the last mentioned clause, and chargeable as such with the said duty of sixteen shillings and eight pence *per* hoghead; unless he, she, or they, so receiving the same, shall and do make due proof that such cyder or perry was made from fruit of his, her, or their own growth respectively, and not from bought fruit; or unless it shall appear by a certificate under the hand of the proper officer or officers of excise, accompanying the said cyder or perry, that the duties imposed by this and all former act or acts of parliament now in force had been charged on the same.

VI. Pro

VI. Provided always, That in case any cyder or perry shall be received by any factor or agent, dealer or retailer, for which it shall appear by a proper certificate that all or any part of the duties, imposed by this or any former act or acts of parliament, have been charged on the same, such factor or agent, and such dealer or retailer respectively, receiving such cyder or perry with a proper certificate, certifying that such duties have been already charged for such cyder or perry, shall not be charged with the payment of such duties, charged as aforesaid, on receiving such cyder or perry into his stock, or on the decrease thereof.

Where it shall appear that the duties have before been duly charged, the factor and retailer are not to be charged anew.

VII. Provided also, That if any factor or agent shall, during the continuance of the act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty six*, be charged with, and shall pay the duty of four shillings per hoghead upon any quantity of cyder or perry granted by the said act, and chargeable upon him or her as the receiver thereof, such factor or agent shall, by the authority of this act, for every hoghead of such cyder or perry so charged, stand discharged of four shillings, part of the sixteen shillings and eight pence granted by this act, and chargeable upon him or her as factor or agent by virtue of this act.

Factor having paid the duty of 4s. per hoghead, granted by the malt act of this session,

is to stand discharged of so much in the new duties.

VIII. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty six, the master or other person having the charge of any ship, vessel, barge, or trow, in which shall be shipped or put on board any cyder or perry, to be carried from one part of this kingdom to another, shall, within three days after his arrival at any port or place where any part of such cyder or perry is to be delivered, give to the proper officer of excise, to be appointed for that purpose by the respective commissioners of excise in *England* and *Scotland* respectively, a just and true account in writing of the whole quantity of cyder and perry by him received on board; distinguishing in such account the names and places of abode of the persons by whom the same, and every part thereof, was put on board, and at what place; and the names and places of abode of the persons to whom the same, and every part thereof, is or was sent, directed, or consigned, and where the same, and every part thereof was to be delivered: and in case the master or other person having the charge of any such ship, vessel, barge, or trow, shall neglect or refuse to give such account as aforesaid, according to the directions of this act; or shall dispose of or deliver any part of the cyder or perry by him taken on board at sea, or in any other place, except the place to which the same was consigned (unavoidable accidents excepted) the person so offending shall, for every such offence, forfeit and lose the sum of twenty pounds; and such master or other person having the charge of such ship, vessel, barge, or trow; shall, within twenty one days after his arrival at the place of delivery, land or cause to be landed all the cyder and perry then on board to be delivered there, on pain of forfeiting all such cyder and perry

Masters of vessels carrying cyder or perry coast-wise,

are to make report thereof to the proper officer of excise, within three days after their arrival in port; distinguishing in the account the persons and places from whence sent, and where, and to whom consigned, &c.

on penalty of 20l. for every such neglect or refusal, or delivering, &c. the same otherwise than as consigned. Perry and cyder to be landed within 21 days after ar-

which

rival, on for-
feiture there-
of.

Factors are to
enter, at the
next office of
excise, their
names, and
storehouses,
three days
before they
make sale of
any cyder or
perry consign-
ed them;

on forfeiture
of 50*l.* for e-
very unenter-
ed storehouse
made use of;

and they are
subjected to
all the regula-
tions, penal-
ties, and pro-
visions, which
dealers in, and
retailers of, cy-
der and perry
are subject to.

Dealers in, or
retailers of,
cyder and per-
ry, made and
sold in Great
Britain, from
fruit of their
own growth,
are to pay 6*s.*
per hoghead.

Persons buy-
ing cyder or
perry, or fruit
to make into
cyder or per-
ry, and selling
what they so
buy or make,
are deemed
retailers.

which shall not be landed according to the directions of this act; which shall and may be seized by any officer or officers of excise, together with the casks or other package containing the same.

IX. And be it enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty six, every such factor or agent, or factors or agents, so having, receiving, or taking, any cyder or perry into his, her, or their custody, possession, or power, to sell or dispose of, shall, at least three days before he, she, or they, shall begin to sell or dispose of the same, make a true and particular entry in writing, at the office of excise next to the place where such cyder or perry shall be intended to be sold or disposed of, of the respective name and names of such factor or agent, factors or agents, and of every storehouse, warehouse, room, cellar, or other place, wherein he, she, or they, have laid or kept, or intend to lay or keep, any cyder or perry; and if any such factor or agent, factors or agents, shall, contrary to the direction of this act, make use of any warehouse, storehouse, room, cellar, or other place, for the laying or keeping any cyder or perry, without having made such entry as aforesaid, he, she, or they, shall respectively forfeit and lose the sum of fifty pounds for every such storehouse, room, cellar, vault, or other place, which, from and after the said fifth day of *July*, one thousand seven hundred and sixty six, shall be made use of without entry as aforesaid; and all and every such factor or agent, factors or agents, so receiving cyder or perry to sell or dispose of as aforesaid, shall be subject and liable, and is and are hereby declared to be subject and liable, to all the clauses, provisos, regulations, fines, penalties, forfeitures, rules, methods, matters, and things, any dealer or dealers in, or retailer or retailers of, cyder or perry, are subject and liable to, by this or any other act or acts of parliament now in force, for the regulating and enforcing, managing, raising, levying, collecting, paying, mitigating, adjudging, ascertaining, and recovering, the duties on cyder and perry.

X. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon every hoghead of cyder and perry which shall be made and sold in *Great Britain*, by any dealer in, or retailer of, cyder or perry, from fruit of his or her own growth, and so proportionably for a greater or less quantity six shillings, to be paid by such dealers in, or retailers of, cyder or perry.

XI. And be it further enacted by the authority aforesaid, That all and every person or persons, who shall buy any cyder or perry, or any fruit to make into cyder or perry, and shall sell any of the cyder or perry so bought or made, by the hoghead, or any greater or lesser measure; or shall sell any quantity of cyder or perry, or either of them, in less quantity than twenty gallons at a time, whether the same be made from fruit of his, her, or their own growth, or from bought fruit, shall be deemed and taken

taken to be a dealer or dealers in, and retailer or retailers of, cyder or perry, within the intent and meaning of this act, and shall be chargeable with the several duties hereby granted for such cyder or perry so made and sold respectively.

XII. Provided nevertheless, and it is hereby declared and enacted by the authority aforesaid, That when such dealers in, or retailers of, cyder or perry, made from fruit of his, her, or their own growth, shall sell or dispose of such cyder or perry to any other dealer or retailer of cyder or perry, who shall purchase the same to sell again, such dealer or retailer so purchasing the same to sell again, and receiving the same, with a proper certificate, certifying such duty has been charged, shall not be charged or chargeable with the said additional duty of six shillings *per* hogthead by this act imposed on cyder and perry made in *Great Britain*, and sold by retail; and if the cyder or perry made by any such dealer in, or retailer, from fruit of his, her, or their own growth, shall be sold by the maker thereof in less quantity than twenty gallons at a time; such dealer in, or retailer of, cyder or perry, shall not be charged for such cyder or perry so sold with the said additional duty of six shillings *per* hogthead by this act imposed on cyder and perry made in *Great Britain*, and sold by retail.

XIII. And it is hereby further enacted and declared by the authority aforesaid, That all and every such dealer or dealers in, and retailer or retailers of, cyder or perry made from fruit of his, her, or their own growth, shall be subject and liable, and is hereby declared to be subject and liable, in respect of such cyder or perry so made, to all the clauses, provisoes, regulations, fines, penalties, forfeitures, rules, methods, matters, and things, which any dealer in, or retailer of, cyder or perry, is subject and liable to, by this or any other act or acts of parliament now in force for the regulating, enforcing, managing, raising, levying, collecting, paying, mitigating, adjudging, ascertaining, and recovering the duties on cyder or perry.

XIV. And, for preventing any disputes that may arise touching the charging the duties on cyder and perry; it is hereby declared and enacted by the authority aforesaid, That cyder or perry made in *Great Britain*, in no case whatsoever shall pay or be chargeable with more than sixteen shillings and eight pence *per* hogthead, whether the duties, or any of them, chargeable thereon, shall arise by virtue of this or any former or other act or acts of parliament.

XV. And whereas great frauds have been committed by dealers in, and retailers of, cyder or perry, by sending and removing, or causing or procuring to be sent or removed, great quantities of cyder and perry from the makers thereof, immediately to the person or persons who contract for the same with, or order the same from, such dealers in, or retailers of cyder or perry, whereby the duties thereon have not been charged, as such cyder and perry never comes into the possession of such dealers or retailers, and the like frauds may be committed by such factors and agents if proper provision is not made for prevention thereof; be it therefore enacted by the authority aforesaid, That from and

af-

Dealers, re- after the said fifth day of *July*, one thousand seven hundred and
 tailers, or fac- sixty six, if any dealer or dealers in, or retailer or retailers of,
 tors, sending, cyder or perry, or any such factor or factors, agent or agents,
 &c. cyder or shall remove or send, or cause or procure to be removed or sent,
 perry from any cyder or perry, from the maker or makers thereof, to the
 the maker to person or persons buying or contracting for, or ordering the
 the contractor, same, without the duties thereon have been first charged, and
 &c. without the duties charged, and without a certificate to accompany the same, signed by the pro-
 a certificate, per officer of excise (which certificate he is hereby required to
 give, without fee or reward, to the person or persons desiring the
 same) signifying the quantity of cyder or perry so sent or re-
 moved, and the number of casks or other package containing
 the same, and that the duties due thereon had been charged for
 the same; every such dealer or dealers in, or retailer or retailers
 of cyder or perry, or factor or factors, or agent or agents, re-
 spectively, so offending, shall, for every such offence, forfeit and
 lose the sum of fifty pounds.

forfeit sol.

These duties
 are to be drawn
 back on ex-
 portation,

and distilla-
 tion;

and also where
 cyder or perry
 become unfit
 for sale as such,
 and shall be
 charged with
 the duties on
 vinegar.

Penalty of ob-
 structing of-
 ficers in the
 execution of
 their duty;

XVI. Provided always, and be it enacted by the authority
 aforesaid, That the said duties by this act imposed upon cyder
 and perry, shall and may be drawn back on the exportation of
 such cyder and perry, by the same means and methods, and un-
 der the same rules and directions, as the other duties, or any of
 them, now payable for cyder or perry, may be drawn back on
 the exportation thereof; and also that the said duties on cyder
 and perry granted by this act, shall be drawn back or allowed
 upon the distillation of cyder and perry into low wines and spirits,
 by the same means and methods, and under the same rules and
 directions, as the other duties, or any of them, now payable for
 cyder or perry, may be drawn back or allowed upon the distilla-
 tion thereof: and in case any cyder or perry which hath been
 charged with, and hath paid the said duties, or any of them,
 granted by this act, shall hereafter, by being unfit for sale as
 cyder or perry, be charged with the duties on vinegar, it shall
 be lawful for three or more of the commissioners of excise for
 the time being, or two justices of the peace within their respec-
 tive jurisdictions, on proof that such cyder or perry hath been
 charged with, and paid the said duties, or any of them, granted
 by this act, and that the same cyder or perry hath also been
 charged with the duty on vinegar, to discharge or allow such of
 the duties granted by this act, as shall have been charged
 thereon, which they are hereby required to do.

XVII. And be it further enacted by the authority aforesaid,
 That if from and after the said fifth day of *July*, one thousand
 seven hundred and sixty six, any person or persons whatsoever
 shall assault, resist, oppose, molest, or hinder, any officer or offi-
 cers of excise, in the due seizing or securing of any cyder or
 perry, which, by any officer or officers of excise, shall or may
 be seized by virtue or in pursuance of this act, or in the execu-
 tion of any of the powers or authorities by this act given or
 granted, or shall by force or violence rescue, or cause to be re-
 scued, any cyder or perry, after the same shall have been seized
 by

by such officer or officers as aforesaid, or shall attempt, or endeavour so to do, or, after such seizure, shall stove, break, or otherwise destroy or damage, any casks, vessels, or package, wherein the same shall be contained; all and every the party or parties so offending, shall, for every such offence respectively, forfeit and lose the sum of forty pounds.

or rescuing or staying cyder or perry, after seizure, is 40l.

XVIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating or recovering, adjudging or ascertaining the duties or penalties thereby granted, and for preventing, detecting, and punishing frauds relating thereto (not otherwise altered by this act) shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution, for the securing, enforcing, managing, raising, levying, collecting, paying, mitigating, and adjudging, ascertaining, and recovering, the duties on cyder and perry, and penalties hereby granted, and for preventing, detecting, and punishing, frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this present act.

Powers, &c. of act 12 Car. 2.

or any other act relating to the revenue of excise, extended to this act.

XIX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively: and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them, who shall discover, inform, or sue for the same.

Fines, penalties, and forfeitures, to be recovered, levied, or mitigated, as the laws of excise direct; One moiety to the crown, and the other to the prosecutor.

XX. And, for the better ascertaining, charging, collecting, raising, levying, and securing, the said rates and duties by this act imposed, and preventing frauds therein; be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are charged upon cyder or perry made in, or imported into *England*, *Wales*, or the town of *Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenues of excise in *England* for the time being; and such of the said rates and duties as are imposed by this act upon cyder or perry made in, or imported into

These duties to be under the receipt and management of the commissioners and officers of excise in *England* and *Scotland* respectively.

Scot- tively;

Scotland, shall be under the receipt and management of the commissioners of excise in *Scotland* for the time being; and the said respective commissioners of excise, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf.

and to be paid into the exchequer, apart from all other duties;

XXI. And be it further enacted by the authority aforesaid, That all monies arising by and in respect of the duties hereby granted and imposed (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*, separate and apart from all other branches of the publick revenue; and are hereby appropriated and shall be issued and applied to the same uses and purposes, in such manner, and under such regulations, as the monies arising by the duties hereby repealed were, by the said act made in the third year of his present Majesty's reign, appropriated unto, and directed to be issued and applied.

and to be applied and issued, as the former duties.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued, molested, or prosecuted, for any thing by him or them done in pursuance of or by colour of this act, or of any matter or thing in this act contained, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. XV.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty six.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now, or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times

Credit of loan granted to his Majesty for 1,800,000l.

mes before the fifth day of *January*, one thousand seven hundred and sixty seven, to cause or direct any loans to be taken or received at his Majesty's exchequer from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding, in loans and exchequer bills together, in the whole, the sum of one million eight hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty, certain duties upon malt, rum, cyder, and perry, for the service of the year one thousand seven hundred and sixty six*, are enacted and prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

Treasury may raise the same by loans or exchequer bills,

in like manner as is prescribed by the malt tax act of this session, concerning loans or exchequer bills thereby to be made out.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said last mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein after mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

The clauses, &c. in the said act relating to the loans or exchequer bills thereby to be made out,

extended to this.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act shall, after the same hath or have been issued at the exchequer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and sixty seven, received, or taken, or pass, or be current, to any receiver or collector in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due, or payable to his Majesty, his heirs, or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate otherwise, or on any other account, than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*; nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money before the said sixth day of *April*; any thing in the said act made in this pre-

Bills made out and issued in pursuance of this act, not to be received again, or exchanged, by any receiver of the publick taxes, before 6 April, 1767.

except the same shall be in due course or order of payment before that day,

and no action shall lie for such refusal.

sent session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty six*, or this act, contained to the contrary notwithstanding.

The same to be repaid out of the first supplies which shall be granted in the next session;

IV. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and sixty seven, then all the said loans or exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times at or after the said fifth day of *July*, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

or out of the sinking fund, if no supplies shall be granted before 3 July, 1767.

Monies issued for that purpose out of the sinking fund, to be replaced.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

The bank empowered to advance, on the said credit of loan, any sum or sums not exceeding 1,800,000l. the act 5 & 6 W. & M. notwithstanding.

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England*, to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding in the whole the sum of one million eight hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

C A P. XVI.

An act for the more easy and speedy recovery of small debts within the city of Bath, and the liberties and precincts thereof.

C A P. XVII.

An act for explaining and amending so much of an act made in the first year of the reign of King James the Second, intituled, An additional act for the improvement of tillage, as relates to the city of London.

WHEREAS by an act made in the first year of the reign of his late majesty King James the Second, intituled, An additional improvement of tillage, it is enacted, That from and after the feast of Saint Michael the Archangel then next, and from thenceforward, it shall and may be lawful to and for all and every the justices of the peace for the several and respective counties within his Majesty's kingdom of England, dominion of Wales, and the town of Berwick upon Tweed, wherein foreign corn or grain shall or may be thereaf-
 'er imported, and they, and every of them, are thereby enjoined and required, at their next respective quarter sessions after Michaelmas and Easter Day yearly, by the oaths of two or more honest and substantial persons of the respective counties, being neither merchants nor factors for the importing of corn, nor any ways concerned nor interested in the corn so imported, and each of them having a freehold estate of twenty pounds per annum, or a leasehold estate of fifty pounds per annum, above all charges and reprises, and being skilful in the prices of corn (which oaths all and every the said justices are thereby empowered to administer) and, by such other ways and means as to them shall seem fit, to examine and determine the common market prices of middling English corn and grain of the respective sorts mentioned in an act of parliament made in the two and twentieth year of the reign of King Charles the Second, intituled, An act for improvement and act
 of tillage and the breed of cattle, as the same shall be commonly
 bought and sold in the said respective counties into which any foreign
 corn or grain shall be imported; and to certify the same, with two such
 oaths made as aforesaid, in writing annexed, unto his Majesty's chief
 officer and collector of the customs for the time being, residing in the
 said respective ports or havens where the said corn and grain shall be
 imported, to be hung up in some publick place in the custom-house, to
 which all persons may resort for their information: and it is thereby
 further enacted, That from and after the said feast of Saint Michael
 be Archangel then next, the custom and duty of foreign corn and
 grain imported into any of his Majesty's said dominions of England,
 Wales, and town of Berwick upon Tweed, appointed, by the said
 act of the twenty second of King Charles the Second, to be paid, shall
 be collected and paid according to the prices contained in such respective
 certificates as aforesaid, and not otherwise; any thing in the said act of
 King James the Second, or in any other law or statute, contained to
 be contrary notwithstanding: and it is thereby provided and further
 enacted, That all that, by virtue of the said act of King James the
 second, was to be done by the justices of the peace at their quarter
 sessions

From and after 29 Sept. the mayor, aldermen, and justices of London, are impowered to do all that by virtue of the recited act may be done by justices at the quarter sessions, in the months of Jan. and July, as well as in October and April yearly. Persons making oaths to be substantial housekeepers in Middlesex or Surry.

sessions in their several counties, shall be done and performed in like manner in the city of London, in the months of October and April yearly, by the mayor, aldermen, and justices of peace there; and that the persons making such oaths shall be no corn-chandler, mealman, factor, merchant, or other person interested in such corn so to be imported, but shall be some substantial housekeepers living in Middlesex or Surry, qualified as aforesaid: and whereas the power given by the said act to the said mayor, aldermen, and justices of peace of the city of London, for examining and determining the common market prices of middling English corn and grain, only in the months of October and April yearly, is found ineffectual to answer the good purposes of the said act: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all that by virtue of the said act is to be done by the justices of the peace at their quarter sessions in their several counties, shall, from and after the twenty ninth day of September next, be done and performed in like manner in the city of London, not only in the months of October and April yearly, but also in the months of January and July yearly, by the mayor, aldermen, and justices of peace there; and that the persons making such oaths, shall be no corn-chandler, mealman, factor, merchant, or other person interested in such corn to be imported, but shall be some substantial housekeepers living in Middlesex or Surry, qualified as aforesaid; any thing in the said act, or in any law or statute contained to the contrary notwithstanding.

C A P. XVIII.

An act to amend and render more effectual, in his Majesty's dominions in America, an act past in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.*

Preamble. Constables, &c. to quarter officers and men in the barracks provided for them; and if there shall not be sufficient room there, to billet the residue in inns, ale-houses, &c. and if these shall be also insufficient, then in hired uninhabited houses, to be provided and furnished for the purpose. No more billets to be ordered than there are effective men. Commander in chief to give early notice to the respective governors, of the marching of the troops, and their numbers, that quarters may be provided accordingly. Military officers taking on themselves to quarter soldiers; or using any menace to a civil officer, to deter them from their duty; to be cashiered; unless the conviction be reversed upon appeal. Persons aggrieved by being quartered on, may complain to the justices, and be relieved. No justice having any military office to be concerned in billeting soldiers, except where there shall be no other justice. Officers and soldiers quartered in inns, or ale houses, are to be furnished with provisions at a certain rate. What innholders, &c. may allow men quartered on them instead of meat. What officers and soldiers quartered in barracks, or hired houses, are to be furnished with at the provincial expence. How the expences incurred thereby are to be reimbursed. Penalty on taking money to excuse any person from being quartered on. Commanding officers may exchange men in their quarters. Penalty on constables, &c. delaying to quarter or billet officers or soldiers after due notice; or receiving money to excuse any person from being quartered on; and on persons refusing to receive the officers and soldiers billeted on them, or to furnish them with necessaries as the act directs; is any sum
not

not exceeding 5l. nor less than 40s. to be paid to the treasurer of the colony. Officers to give notice to inn-keepers, &c. of subsistence money in their hands; and their accounts to be paid off according to the rates of subsistence here established. Officers not giving such notice, the accounts to be discharged out of their arrears of pay; if no arrears are due, then out of the subsistence-money of the regiment, and the officer to be cashiered. On non-payment of quarters, for want of money, the officer to make up the accounts, and give certificates for the sums due. Justices may demand an account of quartering of the officers and soldiers, in order to prevent and remedy abuses in quartering. Justices, in pursuance of orders received, are to issue orders to constables to provide carriages for the troops on their march. Rates of carriages. Carriages not obliged to carry above 12 cwt. nor to travel above one days march, unless other carriages cannot be procured. Penalty on constables, &c. neglecting to provide or furnish carriages. Colony to repay the extra expences of carriages. Where carriages shall be necessarily provided for long marches beyond the settlements, the horses and carriages are to be fairly appraised; and if lost or destroyed to be paid for according to certificate. Deserter may be apprehended, and committed; gaoler to receive his subsistence money in the interim. Penalty on persons harbouring deserters; or buying soldiers arms or clothes, &c. Penalty on officer breaking open a house to search for deserters, without warrant. Persons not being soldiers committing any offences in any fort or garrison, &c. not within the jurisdiction of any civil government, may be apprehended; and being charged on oath with the offence, may be committed to safe custody, till delivered over to the civil magistrate. Suits in what courts to be prosecuted. How the troops are to pay in passing ferries. Pecuniary penalties to be paid at the rate of 4s. 8d. sterling, the Spanish milled dollar. Limitation of actions. General issue. Treble costs. This act to be in force from 24 March, 1766, to 24 March, 1768.

C A P. XIX.

An act for the more effectual encouragement of the trade and manufacture of leather gloves and mitts in this kingdom.

WHEREAS, till of late years, great quantities of foreign kid Preamble.
and lamb skins were yearly imported into this kingdom, in order to be manufactured into gloves and mitts, to the great benefit of trade, and employment of the poor in the manufacture thereof: and whereas large quantities of foreign manufactured leather gloves and mitts are clandestinely brought into this kingdom, whereby not only the revenue is defrauded, but many thousands of his Majesty's subjects, employed in the manufacture of leather gloves and mitts, are deprived of the means of providing for themselves and their families: and whereas the preventing the importation of such foreign manufactured leather gloves and mitts, would tend to the increase of the trade and manufactures of this kingdom, and would also encourage the importation of foreign kid and lamb skins: May it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any foreign manufactured leather gloves or mitts shall, from and after the twenty fourth day of June, one thousand seven hundred and sixty six, be imported, brought, or conveyed into this kingdom, or any part of the British dominions, the same shall be, and are hereby declared to be, forfeited, and shall be liable to be searched for and seized by any officer or officers of the customs or excise,

From and after 24 June, 1766, all foreign manufactured leather gloves or mitts brought into any part of the British dominions, are liable to forfeiture;

and the im-
porter,

vender, re-
tailer,

exposer to
sale,
or concealer
thereof,

forfeit more-
over 200 l.
with double
costs of suit.

Any of the
said goods
seized in Eng-
land, out of
the cities of
London and
Westminster,
and limits of
the weekly
bills of mortal-
ity, not ex-
ceeding 20l.
in value,
may be pro-
ceeded against,
before, and
determined
by 2 justices;

if the goods
are condemn-
ed, they are to
be publickly
sold, for ex-
portation;
and one moi-
ety of the pro-
duce is to go
to the King;
and the other
to the officer,
and security
is to be given
for the due
exporrta-
tion thereof,
before
delivery of
the same out
of the ware-
house where
secured;

which is to be
discharged up-

in like manner as other prohibited and uncustomed goods are and shall be disposed of as is herein after mentioned: and every person or persons who shall bring, convey, or import or shall cause to be brought, conveyed, or imported, into this kingdom, or any part of the *British* dominions, any such leather gloves or mitts, or shall be aiding, abetting, or assisting therein; or, being a vender or venders, retailer or retailers, of any kind of leather gloves or mitts, in whose custody or possession any such foreign manufactured leather gloves or mitts shall be found; or who shall sell, or expose to sale, any such leather gloves or mitts; or who shall conceal any such leather gloves or mitts, with intent to prevent the forfeiture or seizure of the same; shall, over and above the forfeiture and loss of such leather gloves and mitts, and all interest which he, she, or they, may have therein, for every such offence, forfeit and pay the sum of two hundred pounds, together with double costs of suit.

II. Provided always, and be it further enacted by the authority aforesaid, That if any such leather gloves or mitts shall be found and seized in that part of *Great Britain* called *England*, out of the cities of *London* and *Westminster*, and the limits of the weekly bills of mortality, and the same shall not exceed in value the sum of twenty pounds, it shall and may be lawful for two or more of his Majesty's justices of the peace for such county, city, borough, or place, where the same shall be found and seized, upon information before them that such leather gloves or mitts were seized as leather gloves or mitts unduly brought into and not manufactured within this kingdom, to hear and determine the same, and to proceed to condemnation or discharge thereof as shall seem just; any thing herein before contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That after condemnation thereof in due course of law, all and every such leather gloves and mitts shall be publickly sold, to the best advantage, for exportation, by the candle; and one moiety of the produce, or money arising by the sale of such leather gloves and mitts, shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof to the use of the officer or officers who shall seize and secure the same: and no such leather gloves or mitts shall be consumed or used in this kingdom, but shall be exported again to some port or place not being any part of his Majesty's dominions; and shall not be sold, otherwise than on condition to be exported as aforesaid: and such leather gloves and mitts shall not be delivered out of the warehouse, or place wherein the same shall have been secured, until sufficient security be first given to the King's Majesty, his heirs and successors, which the commissioners of his Majesty's customs or excise are hereby empowered and required to take, that the same, and every part thereof, shall be exported as aforesaid, and not landed again in any part of his Majesty's dominions; which securities shall be discharged without fee or reward, upon certificate returned under the common

common seal of the chief magistrate in any place or places beyond the seas, and out of his Majesty's dominions, or under the hands and seals of two known *English* merchants upon such place, that the goods were there landed; or upon proof, by credible persons, that such goods were taken by enemies, or crushed in the seas; the examination and proof thereof being left to the judgement of the said commissioners: which commissioners are hereby respectively impowered, from time to time, to call upon the person or persons who have entered into such security, to produce such certificate or proof as aforesaid.

on a return of a certificate, or proof of such exportation.

IV. And be it further enacted by the authority aforesaid, That if any such leather gloves or mitts shall be seized, by virtue and in pursuance of this act, and any doubt or question shall afterwards arise where the same were manufactured, the proof shall lie upon the person or persons in whose custody or possession the same were found, and not upon the prosecutor or prosecutors, plaintiff or plaintiffs; and in case no proof shall be given, that such leather gloves or mitts were manufactured within *Great Britain*, then the same shall, without any further proceeding, be taken and held to have been manufactured out of *Great Britain*, and contrary to, and in violation of, this act; any law or custom to the contrary notwithstanding.

In case of doubt whether such goods are of foreign manufacture, the Onus probandi is to lie on the possessor;

V. Provided always, and be it further enacted, That if any person or persons, in whose custody or possession any such leather gloves or mitts shall be seized by virtue and in pursuance of this act (such person or persons not importing or concealing the same) shall discover, upon oath, before any one or more justice or justices of the peace, the person or persons who sold such leather gloves or mitts to such person or persons in whose custody or possession the same shall be seized, so as that such person or persons, so selling the same, shall or may be prosecuted and convicted, according to the intent of this act, as the offender thereof, in case the same shall be, or be taken and held to be, within the intent and meaning of this act, manufactured out of *Great Britain*, such person or persons, so discovering as aforesaid, shall be, and is and are hereby freed and discharged from and from all and every the penalties and forfeitures by this act inflicted upon all and every person and persons, being a vender or venders, retailer or retailers, having in his, her, or their custody or possession any such leather gloves or mitts not made or manufactured in *Great Britain*; and of and from any proof that the same, so seized as aforesaid, were manufactured in *Great Britain*.

and the possessor (not importing or concealing the same) but discovering the vender,

so as he may be prosecuted to conviction,

is discharged from the penalty and forfeiture,

and from giving proof as to the place of their manufacture.

VI. And be it further enacted by the authority aforesaid, That all pecuniary penalties and forfeitures, by this act imposed, shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh*, respectively, by action, bill, plaint, or information, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in *Scotland*, or in the name of some officer or officers of the customs or excise;

Recovery of penalties and forfeitures;

and applica-
tion thereof.

and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety thereof to the officer or officers of the customs or excise, who shall inform and prosecute for the same.

Officer neg-
lecting for
a month to
prosecute for
any pecuniary
penalty,

any other
person may
sue for and
recover the
same.

VII. Provided always, and it is hereby further enacted, That if any officer or officers of the customs or excise shall neglect or refuse, for the space of one calendar month after such condemnation as aforesaid, to prosecute to effect any person or persons, for any pecuniary penalty or forfeiture by this act inflicted upon offenders against the same; that then it shall be lawful for any person or persons whomsoever, to sue for, prosecute, and recover, the respective pecuniary penalties and forfeitures by this act inflicted, in like manner as is herein before directed, with regard to the officers of the customs or excise; and one moiety of the said pecuniary forfeitures, when recovered, shall, in such case, go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the person or persons who shall sue or prosecute for the same respectively.

The weavers
of such goods
are not sub-
ject to any
penalty, for
feiture, or
proof, upon
that account.

VIII. Provided also, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be in any wise construed to extend, to subject any person or persons who shall wear, or make use of, such leather gloves or mitts as aforesaid, as part of his, her, or their apparel or dress only, to any forfeiture, or to any pecuniary penalty or penalties inflicted by this act, or to any proof that the same were manufactured within *Great Britain*.

This act does
not extend to
repeal any of
the powers of
the act of
31 Geo. I.

IX. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed or deemed to extend, in any wise to repeal any of the powers and authorities granted in and by an act made in the eleventh year of the reign of his late majesty King *George the First*, intituled, *An act for more effectual preventing frauds and abuses in the public revenues; for preventing frauds in the salt duties, and for giving relief for salt used in the curing of salmon and cod fish, in the year one thousand seven hundred and nineteen, exported from that part of Great Britain called Scotland; for enabling the insurance companies to plead the general issue in actions brought against them; and for securing the stamp duties upon policies of insurance; with regard to seizures of any prohibited or run goods, wares, merchandizes, or commodities.*

with regard to
seizures of
prohibited or
run goods.

General issue.

X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done by the authority of this act: and if it shall appear to have been so done, then the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall

have

have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law. Treble costs.

XI. Provided always, and be it further enacted, That, in every such action, it shall and may be lawful for the defendant or defendants, by leave of the court where such action shall be depending, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, as amends for the matter or cause complained of in such action, whereupon such proceedings, orders, and judgements, shall and may be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court. Defendant allowed, before issue joined, to pay money into court.

C A P. XX.

An act for the more easy and speedy Recovery of Small Debts, within the Borough of Derby, and the Liberties thereof.

C A P. XXI.

An act for redeeming one third part of the remainder of the joint stock of annuities, established by an act made in the third year of his present Majesty's reign, in respect of several navy, victualling, and transport bills, and ordnance debentures.

Most gracious Sovereign,

WHEREAS by an act of parliament made in the third year of your Majesty's reign, intituled, An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures; and for charging the payment of such annuities on the sinking fund; and making good the same to the said fund, in manner therein mentioned; it was provided and directed, That all and every person and persons, bodies politic and corporate, who should, within the time therein limited, deliver in certain navy, victualling, and transport bills, and ordnance debentures, to be cancelled, in manner thereby directed, should, for the principal sum or sums contained therein, and also for the interest marked upon such of the said bills as bore an interest, be respectively intituled to, and have, an annuity after the rate of four pounds per centum per annum, to commence from the twenty fifth day of March, one thousand seven hundred and sixty three, and to be payable half-yearly at the bank of England, to such person or persons, bodies politic or corporate, or such as he, she, or they should appoint his, her, or their executors, administrators, successors, or assigns, until redemption thereof by parliament, in manner therein mentioned; and that all such monies should be deemed to be one capital or joint stock on which the said annuities should be attending: and whereas the several principal monies contained in the bills and debentures delivered in and cancelled, together with such interest as aforesaid, which were converted into a capital or joint stock, in pursuance of the said act, did amount to the sum of three millions four hundred eighty three thousand five hundred fifty three pounds, one shilling, and ten pence:

Preamble, reciting clauses in act Geo. III.

and whereas one fourth part of the said capital or joint stock hath been redeemed in pursuance of an act made in the last session of parliament, whereby the said stock was reduced to the sum of two millions six hundred and twelve thousand six hundred and sixty four pounds, sixteen shillings, and four pence halfpenny: and whereas your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled have resolved, That one third part of the said remaining capital stock be redeemed and paid off on the twenty fifth day of December, one thousand seven hundred and sixty six; and several public notices have been given of the said resolution by the speaker of the house of commons, pursuant to the order of that house; and therefore your faithful commons do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such notices as aforesaid shall be, and be deemed, adjudged, and taken to be, good and sufficient notice or notices within the true intent and meaning of the said act for the redemption of one third part of the said remaining capital or joint stock, and of the annuities attending on such part; and the same shall be redeemable and redeemed accordingly.

Notices given by the speaker of the house of commons, of the resolution to redeem one third of the remaining joint stock of annuities, established by 3 Geo. III. deemed sufficient;

and the sum of 870,888 l. 5s. 5d. 2q. is to be paid into the bank, on or before 25 Dec. 1766, out of the aids granted this session,

to be applied accordingly.

The said money to be issued, by way of imprest, to the bank, by an order of treasury, out of the sinking fund;

II. And be it further enacted by the authority aforesaid, That on or before the twenty-fifth day of December, one thousand seven hundred and sixty six, there shall and may be issued and paid to the governor and company of the bank of England, the sum of eight hundred seventy thousand eight hundred eighty eight pounds, five shillings, and five pence halfpenny, out of all or any the aids or supplies granted in this session of parliament (except any particular aid or supply which hath been, or shall be, in the same session, specially and intirely appropriated to any one particular use or purpose) which sum shall be applied by the said governor and company in payment of the like sum of eight hundred seventy thousand eight hundred eighty eight pounds, five shillings, and five pence halfpenny, for the redemption and full satisfaction of one third part of the said remaining capital or joint stock.

III. And be it further enacted by the authority aforesaid That on or before the said twenty fifth day of December, one thousand seven hundred and sixty six, there shall and may, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained, in that behalf, be issued and paid at the receipt of his Majesty's exchequer, to the governor and company of the bank of England, by way of imprest and upon account, out of the surplusses excesses, or overplus monies, commonly called the Sinking Fund (upon which the said annuities were charged by the said act made in the third year of his present Majesty's reign) such sum of money as shall be necessary for the discharge of the annuities

ties attending such one third part of the said remaining joint stock, from the twenty ninth day of *September*, one thousand seven hundred and sixty six, to the twenty fifth day of *December* following, inclusive; which sum shall be applied by the said governor and company in discharge of such annuities accordingly, at the same time that the respective principal monies composing such one third part shall be paid and satisfied; and that all such annuities, in respect of such one third part, shall cease and be extinguished, from the twenty fifth day of *December*, one thousand seven hundred and sixty six.

and the annuities so redeemed are to cease from and after 25 Dec. 1766.

IV. And be it further enacted by the authority aforesaid, That the sums of money which shall be issued and applied by virtue of this act, out of the said surplusses, excesses, or overplus monies, for payment of the said annuities, shall be made good and replaced by and out of the supplies to be granted in the next session of parliament.

The monies issued for this purpose out of the sinking fund are to be replaced out of the next supplies.

V. Provided always, and be it further enacted by the authority aforesaid, That if all or any part of the principal monies composing such part of the said remaining capital or joint stock, hereby intended to be redeemed, shall be paid and satisfied at the bank of *England*, before the twenty fifth day of *December*, one thousand seven hundred and sixty six, the said governor and company shall, notwithstanding the same, pay, and they are hereby impowered to pay, in respect of the principal monies so discharged, the full sums which the annuities attending the same would have amounted to on the twenty fifth day of *December*, one thousand seven hundred and sixty-six; any thing herein, or in any other act, contained to the contrary notwithstanding.

The annuities are to be paid up to 25 Dec. 1766.

VI. Provided also, and be it further enacted by the authority aforesaid, That the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

The bank to incur no disability by reason of this act.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them upon demurrer, or otherwise; then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue

Treble costs

C A P. XXII.

An act to regulate the loading of ships with coals in the ports of Newcastle and Sunderland.

Preamble.

WHEREAS the present methods of loading coal ships in the ports of Newcastle and Sunderland, are inconvenient to the coal trade; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from

Regular and true lists to be kept and hung up by the fitters and agents, of the ships entered at their respective offices.

and after the first day of *June*, one thousand seven hundred and sixty six, all fitters, agents, or others, vending sea coals, and loading ships with the same, at the ports of *Newcastle* and *Sunderland*, shall keep regular and true lists of ships entered at their respective offices for loading of all such coals as they usually vend; which lists shall be hung up or placed in some conspicuous part of the respective offices, in order that the same may be

Provisions and regulations with respect to the entering ships in course.

inspected by any master or mate of a ship applying for the same; and when the master or mate of any ship which shall then be past or within two miles of *Tinmouth Bar*, or within two miles of the port or harbour of *Sunderland*, as the case may be, shall apply to the office of any such fitter, agent, or vender of coals, and make a tender in cash, or in bank post bills, payable seven days after sight, to the amount of the coals at the respective prices the several sorts of such coals are then sold at, together with the usual charges of carrying the same from the staiths to the ship; such ship shall be immediately entered in the list of such fitter, agent or vender of coals as aforesaid, next after the last ship which shall then be entered in such list, and shall be loaded in its due turn by such fitter, agent, or vender, at the port of *Newcastle* or *Sunderland* respectively; or if the master or mate of any ship, who shall so apply within the port of *Newcastle*, shall produce lightermens notes or bills of exchange to a sufficient amount, and desire time, not exceeding two hours after the bank at *Newcastle* shall be open, in order to convert the same into cash, such ship shall be nevertheless immediately entered upon such list; and if the money of such bank post bills as aforesaid, to the amount of the loading of coals, and the charges as aforesaid, shall be brought or tendered to the said fitter, agent, or vender, of coals within the time aforesaid, such ship shall have the same turn as it would have been intitled to if cash had been tendered on the first application of the master or mate thereof, in manner aforesaid; and the master or mate who shall have his ship entered in any such list as aforesaid, or be entitled to a loading of coals from any fitter, agent, or vender, of coals, by means of the provisions aforesaid, shall be obliged to load his ship with such fitter, agent, or vender, in whose list such ship shall have been entered, or such loading applied for as aforesaid; and if such master or mate chuses to alter the sort of

ship to be loaded with the fitter or agent, &c. with whom it is entered.

Provisions with respect to

coals for exportation, he shall be at liberty so to do, provided

he

he loads with the same fitter, agent, or vender, at the usual price; and if any fitter, agent, or vender, of coals at the said ports, or either of them, shall neglect or omit to keep such list in manner herein before described, or shall refuse inspection thereof to any master or mate of any ship applying for the same, at any time between the hours of seven in the morning and seven at night; or shall refuse or omit to enter or load any such ship, upon the conditions aforesaid, so far as the said conditions relate to the said ports respectively, or shall wilfully or unnecessarily delay the loading and dispatching of any such ship; or if any master or mate of any such ship shall enter the same for any one turn with more than one fitter, agent, or vender, of coals as aforesaid; or shall load such ship with any other fitter, agent, or vender, than where such ship was entered for that turn; every such fitter, agent, or vender, and every such master or mate of any such ship, shall, for every offence respectively, forfeit and pay the sum of one hundred pounds; one moiety thereof to his Majesty, his heirs, and successors, and the other moiety to such person or persons who shall be injured by such offence, and shall sue for the same in any of his Majesty's courts of record at *Westminster*, within the space of six calendar months after the offence committed.

II. Provided always nevertheless, and be it further enacted, That no fitter of the said port of *Sunderland* shall be compelled or obliged to take upon his list, or load in turn, any ship exceeding the burthen of sixteen keels; and when the owner or master, having the care of any ship entered in such list, shall have taken in as many coals in the said harbour as he shall think fit, every such fitter shall be at liberty to load the next ship in turn on his list, within the said harbour, and so on until some one or more of such ships shall have sailed out of the said harbour into the road, which ships shall then be loaded up in the said road in turn as they stand in such list, as soon as the weather will permit; and the owner or master, having the care of any such ship so lying and loading up in the road, shall be answerable to the fitter loading up such ship, for the loss or damage of any keel or keels, and the coals on board them, sent off to load up such ship, as has been customary.

III. And whereas the iron manufacture near *Newcastle*, belonging to mistress *Crowley* and company, have large standing contracts for serving his Majesty's navy with stores of sundry kinds; and that their three ships (about one hundred and sixty tons burthen each) which bring a few coals at bottom, may not be detained, which may be of great detriment to the government service, they are hereby excepted, and permitted to have what coals they want for ballast, while they are employed in the above service, as soon as they have occasion to order them, without waiting their turn in rotation.

IV. And be it further enacted by the authority aforesaid, That this act shall continue in force for seven years, and shall be deemed, adjudged, and taken to be, a publick act; and be

altering the sort of coals.
Fitter not keeping such list;
or refusing inspection thereof;
or not loading upon the conditions aforesaid;
or causing unnecessary delay; forfeit 100l.
Master acting contrary to the rules here prescribed, forfeits a like sum.

Directing the course of loading ships at *Sunderland*.

Mrs. Crowley and company's ships to take in coals without waiting their turns.

Publick act.
judicially

judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXIII.

An act to amend an act made in the last session of parliament intituled, An act for repealing several laws relating to the manufacture of woollen cloth in the county of York; and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths; and for substituting other regulations of the cloth trade within the west riding of the said county; for preventing frauds in certifying the contents of the cloth; and for preserving the credit of the said manufacture at the foreign market.

Preamble, re-
citing act 5
Geo. 3.

WHEREAS *the act made in the fifth year of the reign of his present Majesty, intituled, An act for repealing several laws relating to the manufacture of woollen cloth in the county of York; and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths; and for substituting other regulations of the cloth trade within the west riding of the said county; for preventing frauds in certifying the contents of the cloth; and for preserving the credit of the said manufacture at the foreign market; hath, in some respects, been found to be inconvenient to the dealers in the said trade and manufactory, and not sufficient or effectual to remove or remedy some of the abuses intended to be thereby prevented, and which still continue to be practised in the said trade; and in regard several persons concerned in the said trade and manufactory may inadvertently and unavoidably become subject and liable to divers penalties and forfeitures thereby directed to be levied, to the great loss and damage of divers innocent persons, and the discouragement of the said manufactory; wherefore, for continuing so much of the said act as is apprehended to be beneficial, and for explaining and amending the same, so as more effectually to support and preserve a trade so advantageous, and of so great importance to this kingdom, and for repealing such of the clauses and provisions therein contained, as are found to be burthenfome to the said trade, and not effectual for preserving the credit thereof, or preventing the frauds intended to be prevented; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the justices of the peace for the said west riding of the said county of York (not being dealers in woollen cloth, or occupiers of any fulling-mill) at their general quarter sessions of the peace to be holden at *Bradford*, in and for the said riding, next after the twenty fourth day of *June*, one thousand seven hundred and sixty six, or at some adjournment of the same, and at their general quarter sessions of the peace to be holden next after *Mid-**

Justices to ap-
point mill
searchers, in-
spectors, and
supervisors.

summer yearly at Bradford, in and for the said riding, shall and may, and they are hereby authorized and required to chuse, nominate, and appoint, such and so many persons of good character and repute (having been brought up in the manufacture of woollen cloth in the said riding, and being under the age of sixty years) to be searchers or measurers of cloth at the fulling-mills, and to be inspectors and supervisors for the purposes in the said former act mentioned, as they in their discretion shall think proper; which said searchers or measurers, inspectors and supervisors respectively, shall have all the same powers and authorities, and be respectively subject to the same rules, limitations and restrictions, as in and by the said act of the fifth year of his present Majesty's reign, are respectively declared, given, appointed, or limited, except as is herein after, by this present act, otherwise ordered, directed, or provided for.

II. And be it further enacted, That the said searchers or measurers of cloth at the mills, to be chosen, appointed, and stationed, by virtue of this and the said former act, shall, and they are hereby authorized and required, at their respective fulling-mills, where they shall be respectively stationed or placed, to measure all the cloths and half cloths which shall be there milled respectively, at the respective times, and in manner in the said former act mentioned and appointed; and every such searcher and measurer shall, on one end of every such cloth, before it shall be carried from the mill, affix and rivet such seal of lead as in the said former act is mentioned, and stamp, in words and figures plainly to be read and distinguished, upon every such rivet, his name, and the name of the mill where he is so stationed; and upon the residue of such seal, the length and breadth of every such cloth, together with the number of each of such cloths milled at such mill successively, beginning at number one, and proceeding progressively as in the said former act is mentioned.

Searchers to measure cloths, and seal them.

III. And it is hereby further enacted by the authority aforesaid, That if any of the said inspectors or supervisors shall find any cloth, or end or half cloth, falsely stamped by any measurer or searcher of broad woollen cloth, above one inch in breadth in more than one third part of the length thereof, or above half a yard in length, such inspector or supervisor shall, within seven days after the same shall be discovered, give information thereof to one of his Majesty's justices of the peace for the said riding, or any corporation within the same where such offence shall be committed (not being a dealer in woollen cloth, or occupier of any fulling-mill) and on conviction of such measurer or searcher, before any such justice of the peace as aforesaid, such searcher or measurer shall forfeit and pay for every such offence the sum of ten shillings, to be recovered as any other penalty is hereby directed to be recovered.

Penalty on mill searcher stamping falsely.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That if the merchant or buyer of any such cloth

Merchant suspecting cloths, may wet them.

cloth shall suspect the real and true lengths and breadths of such cloth not to be the same as stamped on the seal affixed to such cloth by the measurer or searcher at the mill as aforesaid; then, and in such case, it shall and may be lawful to and for the merchant or buyer of such cloth, within forty days next after the sale and delivery of such cloth (and before the same shall have been raised, rowed, dressed, dyed, or put in water) to put such cloth into cold water for any time not exceeding four hours; and after the same shall be fully wet and taken out of such water, to hang the same across a plain rail or horse-tree, to be provided by such merchant or buyer, for any time not less than two hours, and not more than four hours; and then immediately to cause the same to be measured by some sworn searcher, measurer, inspector, or supervisor: and if upon such admeasurement last mentioned, there shall be found a less or smaller quantity of cloth in length, or less or smaller quantity in breadth in more than one third part of the length thereof, than is mentioned on any of the seals affixed to such cloth by any searcher, measurer, or supervisor, who before measured the same; in every such case, the searcher, measurer, inspector, or supervisor, who last measured such cloth, shall and he is hereby required, within three days next after such last admeasurement, to give information to one of his Majesty's justices of the peace for the said riding, or any corporation within the same, (not being a dealer in woollen cloth, or occupier of any fulling-mill) that the searcher, measurer, or supervisor, who before measured and stamped the said cloth, did wilfully and knowingly affix such false and fraudulent seals to such cloth; and such measurer, searcher, or supervisor, being thereof convicted before such justice, upon the oath of such measurer, searcher, inspector, or supervisor, who last measured the said cloth, or of any other credible witness, shall, for every such offence, forfeit and pay the respective penalties and sums following; that is to say, For the first inch in breadth, or half yard in length, that such cloth or end of cloth shall fall short of the measure stamped and marked on the seals thereto by him affixed, the sum of five shillings; and for every other inch in breadth, or half yard in length, so over stamped, the further sum of ten shillings: the said penalties, after deducting thereout the costs and charges of such prosecution and conviction, to be paid and applied, one moiety to the informer, and the other moiety to the treasurer of the said west riding: and in case any searcher, measurer, inspector, or supervisor, who last measured such cloth, shall fail or neglect, by the space of three days next after such last admeasurement, to give such information as aforesaid; then, and in every such case, such searcher, measurer, inspector, or supervisor, being convicted before any such justice as aforesaid, of having wilfully failed or neglected to give such information for the space of three days as aforesaid, shall for such offence, forfeit and pay the sum of forty shillings, and shall from thenceforth be for ever disabled to hold, exercise, or enjoy, any office under or by virtue of this act.

Penalty for
fraudulent
sealing.

V. And

And be it enacted by the authority aforesaid, That in all Where false
 ses, upon such admeasurement of any such cloth as afore- seals are
 here the same shall be found to be of less length or of found, inspec-
 breadth, for above one third part of the length thereof, tor, &c. to fix
 all be mentioned on the seal or seals thereto affixed, by new seals,
 which shall be
 rcher, measurer, or supervisor, who measured and stamp- the rule of
 same, or by the maker of such cloth; then, and in every payment, and
 use, the searcher, measurer, inspector, or supervisor, who the seller to
 asured the same, shall, immediately upon such admea- forfeit double
 nt, affix on every such cloth or end of cloth, a new seal the deficiency,
 or take the
 seals of lead, and rivet the same, and shall stamp, or cloth back.

o be impressed upon every such rivet, his own name, ad-
 hereto the words inspector or supervisor; and upon the
 al, words, or letters and figures, denoting the true length
 y such cloth or end of cloth, (accounting thirty seven
 to the yard in length) and the breadth thereof between
 s, in inches, at the time of, and according to such ad-
 ement; and that the length and number of yards, by
 easurer, searcher, inspector, or supervisor, so stamped on
 als as aforesaid, shall be the rule of payment for such
 y the merchant or buyer thereof; save only that such
 ant or buyer (in order to discourage the vending or ex-
 to sale of any such cloth with such defective or fraudu-
 als) shall and may, and he is hereby authorized and im-
 ed, to deduct and retain to himself, out of the price of
 loth upon which the maker, searcher, measurer, or super-
 shall have fixed such defective and fraudulent seals as
 id, double the value or amount of so many yards, or parts
 yard thereof, out of the number of yards in length, so
 ed upon such seals, by such searcher, measurer, inspector,
 ervisor, who last measured and stamped the same as afore-
 as the said cloth, or end of cloth, shall fall short in quan-
 the length and breadth respectively impressed on the for-
 audulent seal so affixed by the maker or seller thereof;

the maker or seller of such cloth shall, within three days
 after notice of such deficiency to him given by the mer-
 or buyer of such cloth, accept the same again, and repay
 merchant or buyer thereof, all such sum and sums of
 y as such maker or seller of such cloth shall have received
 ment, or part of payment for such cloth, together with
 reasonable expences as such merchant or buyer shall have
 rily expended or been put unto, for or upon account of
 defective cloth or cloths.

And it is hereby further enacted, That in case any mer- Inspector or
 , or buyer or seller of cloth, shall be dissatisfied with any supervisor, &c.
 asurement to be made by any such last mentioned searcher, to and guilty
 rcher, inspector, or supervisor, as aforesaid, and shall have of stamping
 to suspect the true length and breadth of any cloth, or falsely,
 of cloth, so measured by such last-mentioned searcher,
 rcher, inspector, or supervisor, not to agree with the seal or
 by him thereto affixed; then, and in such case, such mer-
 chant,

on informa-
tion and con-
viction,

to be subject
to a penalty,

and lose his
office.

Where inspec-
tor suspects
frauds in
cloth, he may
require to see
the same put
in water.

Penalty on
supervisor or
inspector re-
fusing to mea-
sure when cal-
led upon.

Inspector, &c.
to give securi-

chant, buyer or feller respectively, shall and may, within seven days after any such admeasurement so suspected shall be made, give information thereof, before one or more justice or justices of the peace for the said riding, or any corporation within the same (not being dealers in woollen cloth) and every such searcher, measurer, inspector, or supervisor, having wilfully or fraudulently measured such cloth, and being convicted of such offence, upon the oath of one or more credible witness or witnesses, before any such justice or justices as aforesaid, (which oath such justice or justices is hereby empowered to administer) shall, for such offence, forfeit and pay for the first inch in breadth, or half yard in length, that such cloth, or end of cloth, shall exceed or fall short of the measure stamped and marked on the seals thereto by him affixed, the sum of twenty shillings: and in case such cloth, or end of cloth, shall exceed or fall short more than two inches in breadth, or one yard in length, of the measure stamped and marked thereon by such searcher, measurer, inspector, or supervisor; then such searcher, measurer, inspector, or supervisor, upon such conviction as aforesaid, shall forfeit and lose his office, and be discharged therefrom by such justice or justices, before whom he shall be so convicted, and shall, from thenceforth, be for ever disabled to hold, exercise, or enjoy any office under or by virtue of this act.

VII. And be it further enacted by the authority aforesaid, That in case any inspector shall have reason to suspect that any cloth or cloths shall be in the possession of any merchant, buyer, dresser, or cloth-worker, which hath or have not been truly stamped and measured at the fulling-mill; that then, and in such case, the said inspector shall and may give notice to such merchant, buyer, dresser, or cloth-worker, of such his suspicion, describing the cloth or cloths by the maker's name or seal thereon respectively, which he so suspects to be unduly stamped; after which notice so given, as aforesaid, such merchant, dresser, or cloth-worker, shall give two hours notice to such inspector of the time or times at which he intends to put such cloth or cloths into water, in order that such inspector may attend the wetting and measuring of such cloth or cloths; and if such merchant, dresser, buyer, or cloth-worker, shall, without or contrary to such notice, put such cloth or cloths into water, and be thereof legally convicted, he shall forfeit, for every such offence, the sum of twenty shillings.

VIII. And it is hereby further enacted, That if any supervisor or inspector shall wilfully refuse or neglect to attend for the purpose of measuring and stamping any cloth, or end of cloth as aforesaid, for the space of two hours after due notice given to him in that behalf, he or they so neglecting or refusing, shall, for every such offence, forfeit and pay the sum of twenty shillings, to be recovered and applied in manner after mentioned.

IX. And it is hereby further enacted and declared, That every searcher, measurer, inspector, and supervisor, to be appointed by

and in pursuance of this or the said former act, shall, ty for making due accounts.
 e enters upon the execution of his office, at his own ex-
 ve and execute a bond to the treasurer of the said west
 r the time being, with a surety to be approved by the
 ppointing him to the said office, in the penalty of fifty
 conditioned for the duly accounting for, and paying
 ey by him, from time to time, to be received by vir-
 id in the execution of his office.

nd be it further enacted by the authority aforesaid, That Inspector or supervisor not to enter merchants houses or warehouses (except where cloth is there dressed) to examine or search for cloths,
 not be lawful for any inspector or supervisor, to be ap-
 by virtue of this or the said former act, at any time
 ; to enter into any house, warehouse, or outhouse, of
 chant or merchants, dresser or dressers, or any other
 cloth (unless such places shall be made use of for dres-
 tering, or keeping of wet or undressed cloth) under
 of searching for, or examining any woollen cloth,
 e shall suspect to be falsely stamped, or unduly stretched
 ed, by virtue or under colour of this or any former act
 iment; or to search or examine any cloth after the same
 put up in papers for pressing, or sent to be frized; or
 e have been fully manufactured, or fitted for expor-
 r home consumption; any thing in the said recited act
 ontrary notwithstanding.

And be it further enacted by the authority aforesaid, Penalty on persons taking off, &c. seals, or the maker's name, or for having cloth in their custody without seals, or with the seals cut off, &c. or cloth over-stretched, &c.
 any person or persons whatsoever shall willingly take
 r, or counterfeit, deface, obliterate, or cut out, any seal
 of lead, hereby, or by the said former act, directed to
 and riveted to every or any cloth or half cloth, or the
 letters, and words thereon stamped, made, or set, or
 woven or sewed, before the cloth be put in papers for
 s, or into the frizing-mill to be frized; or if any in-
 or supervisor shall, at any time after the said twenty
 lay of *June*, one thousand seven hundred and sixty six,
 woollen cloth, after the times herein directed for seal-
 same, without the seal or seals hereby, or by the said
 ct, directed to be put thereon; or find such seal or seals
 counterfeited, or altered, (except such seal or seals has
 been accidentally lost, or maliciously taken off;) or
 d any such cloth, or end of cloth, which shall appear
 ark, stamp, or seal, affixed by the searcher, measurer,
 r, or supervisor, who last measured the same, to be
 ched or strained, either in breadth or length beyond the
 ons allowed of and provided by this present act; or that
 a mark, specifying or denoting the name and place of
 f the maker of such cloths, shall be cut out or altered;
 case every person or persons so offending, or the mer-
 dresser, clothier, or owner, in whose custody any such
 outhout seals, (except as aforesaid) or with the seals, or
 and place of abode, of such maker, defaced, cut out, or
 ed, or so overstretched or strained, shall be found, being
 legally convicted, for every such offence shall forfeit such

sum of money, not exceeding the sum of forty shillings, nor less than twenty shillings, as to the justice or justices, before whom he shall be convicted, shall seem proper and requisite.

Persons charged with any offence, may examine cloth in the merchants hands; and on refusal, prosecution to cease.

XII. And be it further enacted, That any person or persons, against whom any information shall be made, by any merchant, buyer, seller, owner, or dresser of cloth, for any offence or offences committed against this act, by false sealing or stamping any cloth or cloths, shall and may, and are hereby authorized and impowered, within two days after notice of such information to him or them given, to go to the house of such merchant, owner, or dresser of cloth, in such information mentioned, and request to see the said cloth, to examine whether the charge alleged in such information be just, and whether any frauds have been committed by the merchant, dresser, or owner, of the same; and that upon the merchant, dresser, buyer, or owner, of such cloth, refusing to permit and suffer such offender or offenders to see or examine such cloth as aforesaid, (unless the same shall, before that time, be put in papers for pressing, or sent to be frized) such prosecution so commenced against such offender or offenders shall cease, and any conviction to be made thereupon shall be void and of none effect; and in case of wilful refusal, by any merchant or buyer, so to shew such cloth, such merchant or buyer shall lose all benefit of deduction out of the price of such cloth as aforesaid.

Makers of cloth to weave their names therein at length, or in a common abbreviation.

XIII. And whereas by the said act of the fifth year of the reign of his present Majesty, every clothier and maker of such cloth as aforesaid, is required, at the time of making thereof, to weave or sew into the head of the cloth, in distinct letters or words, plain to be read, at length, the name and place of abode of such clothier and maker, under the penalty of twenty shillings for exposing the same to sale, without having such name and place of abode in words at length sewed into such cloth, which has been the occasion of several poor clothiers being convicted for false spelling or abbreviating their name and place of abode, to their great loss and discouragement; wherefore, to prevent as much as possible any such hard and severe prosecutions which such clothier is now subject to, be it further enacted, That every clothier and maker of such cloth as aforesaid, who shall weave or sew into the head of every cloth, and end of cloth, his name and place of abode, either in distinct letters or words, or in some common or known usual abbreviation, sufficient to be read or understood, before he shall expose the same to sale, shall in such case not be subject to or liable to be prosecuted for the penalty inflicted by the said act for not inserting the same in distinct letters or words plain to be read at length; any thing in the said act contained to the contrary notwithstanding.

XIV. And whereas by the said last mentioned act of the fifth year of the reign of his present Majesty, the justices of the peace for the said west riding are impowered, at their general quarter sessions of the peace to be held yearly after Easter, to make and issue such orders and directions to the several officers to be appointed by virtue of the said

for the more effectual execution thereof, as to them shall seem
 it; which power is apprehended to be of no use to the said trade or
 manufacture, but may prove inconvenient to the dealers therein;
 therefore be it enacted by the authority aforesaid, That the said
 power given by the said act, to the justices in sessions, to make
 orders and regulations as aforesaid, shall from henceforth
 be void and of no force or effect.

Power given
 by former act
 to justices at
 quarter ses-
 sions to make
 orders for
 executing the
 act repealed.

Penalty on
 over-stretch-
 ing or strain-
 ing cloth.

XV. And it is hereby further enacted, That if any person or
 persons whatsoever, after the twenty fourth day of June, one
 thousand seven hundred and sixty six, shall stretch or strain, or
 cut or procure to be stretched or strained, any whole or long
 cloth, or end or half cloth, more than one yard (consisting of
 seven inches) in every twenty yards of the length thereof,
 or in the like proportion for cloths of greater or less length,
 more than one inch in every twelve inches of the breadth
 thereof, above or beyond the length or breadth of such cloth
 stamped and denoted upon the stamp or seal thereon fixed by
 the searcher, measurer, supervisor, or inspector, who last mea-
 sured the same as aforesaid; then, and in such case, every per-
 son so offending, and being thereof convicted by the oath of
 one or more credible witness or witnesses, before one or more
 justice or justices of the peace of the said riding, or of some
 other part within the same, not being a dealer in the woollen
 manufacture, or farmers or occupiers of a fulling-mill as afore-
 said, shall, for the first half yard in length such cloth, or end of
 cloth, shall be so over-stretched, forfeit and pay the sum of five
 shillings; and also for every quarter of a yard above such half
 yard, ten shillings; and for the first inch in breadth such cloth,
 or end of cloth, shall be overstretched or strained, forfeit and pay
 the sum of five shillings; and also for every inch above the first
 inch ten shillings; which said sums shall be recovered and ap-
 plied in the same manner as the other penalties are herein di-
 rected to be recovered and applied.

XVI. And whereas by the last mentioned act, the using of cards
 made of iron wire, or with wire teeth, or any other metal, in dressing
 cloth, is prohibited under the penalty of forty shillings; but it has
 been found useful in the dressing of cloth, and without damaging the
 cloth, to make use of wire cards, commonly called fine hatters cards,
 for striking or plaining of cloth upon the tenters, for the better
 laying or laying the wool; it is therefore enacted, That it shall
 be lawful for any person or persons in the striking or
 plaining of cloth upon the tenters only, to make use of such
 cards, called fine hatters cards, for the better laying the wool,
 or in manufacturing the said cloth, without being subject to, or
 liable to, any prosecution for the said penalty, in the said act
 made, for making use of wire cards in the dressing of cloth.

Hatters cards
 may be used
 for striking
 cloths upon
 the tenters
 only.

XVII. And it is hereby further enacted, provided, and de-
 clared, That in case any of the officers to be appointed, or who
 shall, exercise, or enjoy, any office or place under or by
 virtue of this or the said former act, shall keep a publick house
 for trade.

Officers not to
 keep a publick
 house, or be
 concerned in
 the cloth
 for trade.

for the selling of ale, beer, or other liquors, or shall follow or be concerned in the making, buying, or selling, any wool, woollen manufactures, or goods, commonly made use of in dying; or in case any such officer or officers, person or persons, to be appointed by virtue of this or the said former act, shall be guilty of any misbehaviour or neglect of duty in his office, and shall be thereof convicted by the oath of one or more witnesses or witnesses, before any two or more such justices as aforesaid; it shall and may be lawful to and for the justices, at the quarter sessions held for the said riding next after such conviction, on producing the same, or due proof thereof, and they are hereby required to discharge and remove such officer or person, so convicted, from his office, and to appoint another proper person in his room and stead; and such person or persons so convicted and removed from his office for such offence, shall be, from thenceforth, for ever disabled to hold, exercise, or enjoy, any office under or by virtue of this or the said former act.

Appointment of officers to be made at quarter sessions.

XVIII. Provided always, and it is hereby further enacted, That the appointment of all and every officers by the justices of the peace for the said west riding, by the said recited act directed to be made at the quarter sessions held next after *Easter* yearly for the said riding, shall, at all times hereafter, be made by the said justices at the quarter sessions held for the said riding at *Bradford*, next after *Midsummer* yearly.

How and when offences shall be prosecuted, and forfeitures applied.

XIX. And it is hereby further enacted, That all informations relating to any offences to be committed against this or the said former act (except where it is otherwise therein respectively provided for) shall be made and given within ten days after such offence shall be discovered; and all and every such offences shall be enquired of and determined, and convictions thereon made, upon oath of one or more credible witnesses or witnesses, by any one or more such justice or justices of the peace as aforesaid (not being a dealer in woollen cloth, nor occupier of any fulling-mill as aforesaid) notice being first given of the charge to the person or persons therewith charged; and that all such penalties and forfeitures as shall or may happen by reason of this or the said former act, shall, after deducting the charges of such conviction, go, and be disposed of, one half to the person or persons who shall give information of the offence on which the conviction shall be made, and the other half to the said treasurer of the said west riding; and that such part thereof as shall belong to the said treasurer, shall be received by such justice or justices before whom such conviction shall be made, and by him or them immediately paid to some inspector or supervisor of broad woollen cloth; and the receipt of such inspector or supervisor shall be a sufficient discharge to such justice or justices, for so much money as shall be therein expressed to be received; and such justice or justices shall also, within three months after any such convictions, as aforesaid, shall be made by them, send, or cause to be sent, an account thereof to the said treasurer, and to whom such penalties and forfeitures shall be so paid.

Justices to send an account of convictions before them to the treasurer.

XX. And

And it is hereby further enacted, That if any offender or offenders shall, for the space of ten days next after he, she, or they, shall be convicted of any of the offences aforesaid, give notice thereof to him, her, or them given, at his, her, or their dwelling-house, or last place of abode, refuse or neglect to pay any forfeiture by him, her, or them incurred, by reason of the said recited act, or shall not give notice of an appeal to the next quarter sessions, as is herein after provided; and not before, it shall and may be lawful to and for the justices of the peace, before whom such conviction was made, or any other justice or justices of the peace for the riding, or any corporation within the same (not being a tenant in woollen broad cloth, or occupier of any fulling-mill) to cause a certificate of such conviction sent to him or them, from the justice or justices before whom such conviction was made; and they is and are hereby authorized and required to issue one or more warrant or warrants, under his or their hand and seal, or hands and seals, to the constable of the town or parish, or bailiff or bailiffs of the liberties, wapentakes, or limits, in which such offender or offenders doth or shall inhabit, thereby commanding him or them to levy the same by distress and sale of the offender's goods and chattels, returning the overplus (if any) after paying likewise the charges of such distress and the offender or offenders demanding the same; and where sufficient distress can be found, to commit the offender or offenders to the house of correction, for any time not exceeding calendar months.

Penalties how to be recovered.

I. Provided always, and it is hereby further enacted by the authority aforesaid, That if any person or persons shall find any person or persons aggrieved, by any order, warrant, or determination, made by any justice or justices, upon any information by him or them, in pursuance of this act, such person or persons may appeal to the next quarter sessions to be held for the next riding of the county of York, where such determination is made, which shall not be held within fourteen days next after the cause of appeal shall arise, giving ten days notice of the appeal to the party in whose favour such order or determination is made; and if the justices at the said quarter sessions, confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the person or persons aggrieved thereby, as they shall think reasonable, to be paid and paid in such manner as is usual in cases of appeal in any order of the justices of the peace to the sessions, whose order herein shall be final.

Persons aggrieved may appeal to the next quarter sessions.

II. And it is hereby further enacted and declared, That the several justices of the peace before whom any conviction is made, by virtue of this act, as also the several inspectors and supervisors so to be appointed as aforesaid, shall, and they are hereby required, at the four general quarter sessions of the county held in and for the said riding, to return and transmit to the justices of the peace assembled at such general quarter sessions, a list of the names of the persons convicted, and the amount of the fines, and the amount of the money received thereon, to the quarter sessions.

Justices, &c. to return accounts of convictions, and money received thereon, to the quarter sessions.

sessions, a true and perfect account in writing, of all the viciations that shall have been made in pursuance of this act shall happen within their knowledge; and of all the penaltie forfeitures inflicted or levied by means or on account th which, by virtue of this or the said former act, are made able to the said treasurer for the said west riding; and th inspectors and supervisors shall pay, or cause to be paid, treasurer for the time being, within three calendar month: the receipt thereof, all and every sum and sums of mon them, or any of them, or for their or any of their use, t received, for or on account of any such conviction or c tions, and which, by this or the said former act, are mad able, or directed to be accounted for to the said treasurer said west riding; and every person and persons neglecti refusing to return and transmit such account, within t days next after any of the said sessions, or to pay, or caus paid, such sums of money so by him received, or in their t or any part thereof, for the space of three calendar month: after the receipt thereof respectively, and being thereof co ed, upon the oath of one or more credible witness or witi before any two justices of the peace of and for the said (not being dealers in cloth, or occupiers of any fulling shall forfeit and pay the sum of ten pounds, over and abo several sums by him or them received in his hands as afo to be recovered, paid, and applied, in such manner as the penalties inflicted by this act are directed to be recovered, and applied.

Penalty on their neglect, &c.

This act to extend to all woollen cloths, except narrow cloths described in act 11 Geo. 2. and blanket-ing.

XXIII. And be it further enacted by the authority afo That this act, and all the penalties and clauses therein co ed, shall extend to all woollen cloths which shall be mac milled within the west riding of the county of York, such narrow woollen cloths as are mentioned and desc and for which provision is made in and by an act made eleventh year of the reign of his late majesty King Geor Second, intituled, *An act for the better regulating of narrow len cloths in the west riding of the county of York*; and also such woollen goods as are made for blankets or blank and striped duffel'd blankets.

Application of money in the treasurer's hands.

XXIV. And whereas several sums of money have been, a be expended by divers persons, in and about the obtaining this act; and it is apprehended that the money expended in obtain said former act, hath not yet been wholly reimbursed or sati the person or persons concerned in obtaining the same: now it is by enacted, That the treasurer of the said west riding t time being, shall, out of the money now in his hands, or shall hereafter be received by him, on account of the duti forfeitures herein before, or by the said former act, di to be paid to such treasurer as aforesaid, first pay the charg expences remaining due and unpaid on the account of obt the said former act, and afterwards the charges and expen obtaining the passing this act, together with such intere

all or any part of such charges and expences, as the said justices, at their general quarter sessions, to be held next after the twenty fourth day of *June*, one thousand seven hundred and sixty six, shall order, direct or appoint; and the said treasurer shall afterwards pay and apply the said duties and penalties, as the same shall come in and be received, in and for the payment of the salaries of the searchers, measurers, inspectors, and supervisors of cloth herein before directed to be chosen and appointed, as aforesaid, in such proportions, and in such manner, as the said justices of the peace, at their general quarter sessions yearly to be held next after *Midsummer*, shall direct and appoint.

XXV. And it is hereby further enacted by the authority aforesaid, That after all the money to be expended in and about the obtaining this act, and yet remaining due of the expences of the said recited act, shall be totally paid off and discharged, it shall and may be lawful to and for the justices of the peace for the said west riding, at their general quarter sessions held next after *Midsummer* yearly, to make orders for the increasing or diminishing the rates or duties to be paid for measuring, stamping, and sealing of cloth, so as the same shall never exceed the several rates or duties herein before, or by the said former act, directed to be paid for the same.

When justices may increase or diminish rates.

XXVI. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this act, every such suit or action shall be commenced within six calendar months next after the fact committed, and not afterwards; and shall be laid, brought, and tried, in the county of *York*, and not elsewhere; and the defendant or defendants in such suits or actions shall and may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by the authority of this act: and if it shall appear to be so done; or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place, that then the jury shall find for the defendant or defendants: and upon such verdict; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared; or if upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases by law.

Limitation of actions.

General issue.

Treble costs.

XXVII. And it is hereby further enacted by the authority aforesaid, That all the penalties and forfeitures which any measurer, searcher, or supervisor, can or may be subject or liable to by virtue of or under the said former act, for falsely stamping any cloth two inches in breadth and one yard in length, or which any inspector or supervisor may be subject to for neglecting to give information to a justice of the peace, where cloth

Certain penalties in the former act repealed.

shall be found falsly stamped, by any measurer or searcher, or which any person or persons may thereby be subject to for taking off, altering, counterfeiting, defacing, obliterating, or cutting out any seal or seals, or for over-stretching or straining any cloth, or for having cloth in their custody over-stretched or strained, or without the seals by the said act ordered to be affixed thereon, or with such seals altered, counterfeited, defaced, or obliterated, or with the name and place of abode of the maker cut out or altered, or for using cards made with wire, in the dressing of cloth, so as the same be fine hatters cards, and used upon the tenters only, shall, from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty six, be, and they are hereby repealed, revoked, annulled, and made and declared to cease and be void and of none effect: and no merchant, cloth-buyer, cloth-maker, cloth-dresser, measurer, inspector, searcher, or supervisor, or other person, shall from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty six, be subject to, or affected by, or be prosecuted for or upon account of any such pains, penalties, or forfeitures, by reason or on account or pretence of any of the offences, misdemeanors, matters, or things, herein last before recapitulated, mentioned, and expressed, except as aforesaid, and other than by virtue and under the authority of this present act.

Clauses in the former act not repealed to continue in force.

XXVIII. And it is hereby further enacted and declared, That all the clauses, provisions, matters, and things, in the said former act contained, other than and except so far forth as the same or any of them respectively are revoked, repealed, altered, amended, or otherwise explained, by the force, effect, and operation of this present act, shall be, remain, and continue in full force and virtue, as fully and effectually, to all intents and purposes, as if the same had been repeated and re-enacted in and by this present act. And also, That this act shall be taken and deemed to be a publick act; and all judges, justices, and other persons are hereby required to take notice thereof as such, without specially-pleading the same.

Publick act.

C A P. XXIV.

An act for paving the streets and lanes within the town and borough of Southwark, and certain parts adjacent, in the county of Surrey; and for cleansing, lighting, and watching, the same; and also the courts, yards, alleys, and passages, adjoining thereto; and for preventing annoyances therein.

Preamble.

WHEREAS *the several streets and lanes within the parishes of Saint George, Saint Saviour, Saint Olave, Saint John, and Saint Thomas, and the parts of the parishes of Saint Mary Newington, and Saint Mary Magdalen Bermondsey, which are called Blackman Street, Kent Street, Bermondsey Street, and a street called Snow's Fields, all in and near the town and borough of* South-

Southwark, in the county of Surrey, are in general very ill paved and cleansed, and are not duly lighted and watched: and whereas the present methods prescribed by law, for paving, cleansing, and lighting, the said streets, lanes, and places, are insufficient for those purposes; and whereas it is thought proper to give power to new pave and regulate the said streets and lanes, and to maintain and preserve the pavement thereof for the future, and to cleanse, light, and watch the same; and also the several courts, yards, alleys, passages, and places, communicating with or adjoining to the same, and to remove all nuisances and obstructions therein, and to prevent the same for the future; it would tend greatly to the safety, preservation, and advantage, of the inhabitants of the said streets, and other places, and be of publick utility: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said several streets, lanes, courts, yards, and other places, included in this act, shall, for the purposes of this act, be, and the same are hereby divided into two separate and distinct districts or divisions, in manner following; *videlicet*, The parishes of *Saint George*, *Saint Saviour*, *Saint Mary Newington*, and so much of the high street of the said borough as is in the parish of *Saint Olave* aforesaid, shall make one division, and shall be called the *West Division*; and the other parts of the said parish of *Saint Olave*, the parishes of *Saint John*, and *Saint Thomas*, and the parts of the said parish of *Saint Mary Magdalen Bermondsey* before mentioned, shall be the other division, and be called the *East Division*.

Two districts appointed.

II. And be it further enacted by the authority aforesaid, That *Commission-George Onslow* of *Ember Court*, in the county of *Surrey*, esquire; and *Sir Francis Vincent* baronet, and the knights of the shire for the county of *Surrey* for the time being; *Sir Joseph Mawbey* baronet, and *Henry Thrale* esquire, and the burgesses to serve in parliament for the borough of *Southwark* for the time being; *William Bowden* esquire, treasurer of *Saint Thomas's* hospital, in the borough of *Southwark*, and the treasurer of the said hospital for the time being; *Thomas Lucas* esquire, treasurer of *Guy's* hospital, within the said borough, and the treasurer of the said hospital for the time being; the bailiff of the borough of *Southwark*, *Richard Roman* esquire, and his successor and successors in the *Bridge Yard*, and the comptroller of the *Bridge Yard* for the time being; together with master *Roger Pindar*, master *Thomas Wilkinson*, master *James Bulcock*, master *Joseph Shaw*, *William Syms* esquire, *John Levy* esquire, master *Thomas Calverley*, *George Evans* esquire, *Dyer Bond* esquire, *William Coffin* esquire, master *William Bargefs*, master *William Cruttenden*, master *John Abbiss*, master *Edmund Lordner*, *Simon Barraty* esquire, master *John Hemming*, master *John Johnson*, master *John Peyton*, master *Josua Greensmith*, master *John Good*, master *Benjamin Driffeld*, *William Golding* esquire, master *Stephen Lowdell*, master *Joseph Burt*, *Edward Ryffel* esquire, master *Ralph Royle*, *John Crouch* esquire,

esquire, master *William Jefferies*, master *William Winter*, the reverend *Leonard Howard D. D.* *John Wood* esquire, master *Edward Cooke*, *Thomas Dawson* esquire, master *John Rambottom*, master *Thomas Watson*, master *Samuel Spenser*, master *Isaac Stapleton*, master *John Crooke*, *Moses Waite* esquire, master *John Fry*, master *William Tovey*, master *William Hill*, master *John Buck*, master *Robert Stevens*, master *Samuel Carter*, master *Edward Henshaw*, master *Thomas Andrews*, master *William Hayes*, master *Meddows Neatby*, master *John Fowler*, *Nathaniel Pollhill* esquire, master *Henry Keen*, master *Thomas Maidman*, master *John Warrington*, master *Cornelius Van Mildert*, master *Humphrey Randall*, Sir *William Richardson* knight, the reverend *Simon Hughes* clerk, *Edmund Dawson*, *Peter Champion*, *Richard Davis*, *James Searancke*, *Philip Cox*, esquires; *Charles Spence*, *Henry Butler*, *Charles Farrington*, *Martin Hurdis*, *Joseph Houghland*, *John Woodard*, *Richard Hilditch*, *Thomas Walton*, *Jacob Foster*, *William Strickland*, *William Dawson*, *George Flower*, *David Griffin*, *George Keepe*, *Thomas Rudd*, *John Nangrave*, *William Atkinson*, *William Breach*, *Robert Gregg*, *Thomas Chappel*, gentlemen; the reverend *Richard Penneck* clerk, *Edward Steevens*, *Samuel Bennett Smith*, *Edward Brent*, *William Mountain*, *Nathaniel Brent*, *John Ruse*, *Robert Watson*, *William Speck*, *George Turville*, esquires; *Thomas Smith*, *William Shearwood*, *Thomas Holt*, *Henry Sumner*, *John Fasset*, *Richard Stevens*, *Samuel Woolley*, *Hugh Meares*, *Joseph Shewen*, *George Shepley*, *William Smith*, *Vincent Trebearn*, *Stephen Leeson*, *Thomas Dawson*, gentlemen; *John Mackrill*, *Richard Capell*, *Thomas Smalley Browning*, esquires; *John Russell*, *Matthew Bayley*, gentlemen; *William Adams*, *Jeremiah Crutchley*, *Edmund Smith*, esquires; *Ambrose Lyon*, *Samuel Hollingsworth*, *Nathaniel Randall*, *Francis Banks*, *Edward Layton*, the reverend *William Sclater* clerk, *Daniel Alexander*, *Stephen Hodson*, being inhabitants of the said parishes and places, shall be, and they and their successors, to be elected in manner here-in after-mentioned, are hereby appointed commissioners for putting this act in execution; and in case of the death of any of the above named commissioners, or of their removal out of their respective divisions, or refusal to act, it shall be lawful for the surviving or remaining commissioners of such respective division, or any five or more of them, from time to time, by writing under their hands and seals, to elect one other person, being an inhabitant within the respective parish where such vacancy shall happen, to be a commissioner in the room and stead of such commissioner so deceased, removed, or refusing to act; but ten days notice of the time and place of meeting for every such election, shall be given in some news paper published within the weekly bills of mortality; and every person so elected, is hereby vested with the same powers for putting this act in execution, as the person in whose place he shall be chosen, was vested with.

New commissioners to be chosen.

Certain commissioners

III. Provided always, That the knights of the shire for the county of *Surrey*, and the burgesses to serve in parliament: ~~for~~ the

the borough of *Southwark*, the treasurer of *Saint Thomas's* hospital, the treasurer of *Gay's* hospital, the bailiff of the borough, *Richard Roman* esquire, his successor and successors in the *Bridge Yard*, and the comptroller of the *Bridge Yard* for the time being, shall be commissioners for, and may act upon all occasions in the execution of, this act in both divisions.

IV. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner in the execution of this act, unless he shall be in his own right, or in right of his wife, in the actual possession, or receipt of lands, tenements, or hereditaments, of the clear yearly value of fifty pounds, or possessed of, or intitled to, a personal estate to the value of one thousand pounds; and if any person not being so qualified, shall presume to act, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds, to any person or persons who shall sue for the same, to be recovered in any of his Majesty's courts of record, by action of debt, or on the case, or by bill, suit, or information, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and every person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said penalty, upon proof given of his having acted as a commissioner in the execution of this act.

V. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall meet together at the town hall on *Saint Margaret's Hill*, on the second *Monday* after the passing of this act, between the hours of ten in the forenoon and two in the afternoon, and shall meet afterwards at the same place within the same hours, as often as it shall be necessary for putting so much of this act in execution, as is hereby committed to their care and charge at such general meeting; and the said commissioners, or the major part of them present at such general meeting, such major part not being less than fifteen, shall then and there, and from time to time, ascertain and set down in writing the monies they shall adjudge necessary to be borrowed for new paving the said streets and lanes, or any of them; and that no order or direction for borrowing money for such purpose, shall be made or given otherwise than at such general meeting; and the said commissioners present at such first meeting, shall divide themselves and the other commissioners not present, and act for all other the purposes of this act, within the division where they shall respectively reside, and not otherwise or elsewhere, except as is herein particularly authorized and directed; and the said commissioners, within their respective divisions, shall meet together at such place within each respective division, and at such time as shall at such general meeting be appointed, and shall proceed to the execution of this act within their respective divisions; and shall then and from time to time afterwards, adjourn themselves, and meet at such house or houses within the said borough of *Southwark*, as they shall think proper or convenient for putting this

may act in both districts.

Qualification:

Penalty on acting if not qualified.

Commissioners to divide themselves at their first meeting;

and afterwards adjourn and meet as they shall think proper.

If a sufficient number do not meet, clerk to appoint another meeting;

on his neglect,
&c.

Two commis-
sioners may
appoint one.

Commission-
ers not to have
shares in con-
tracts, &c.

They may
appoint of-
ficers, &c.

and remove
them and ap-
point others;
and allow
them salaries.

Officers to
give security;

this act in execution within their respective divisions; and if at any meeting appointed to be held by virtue of this act, there shall not appear a sufficient number of commissioners to act, and to adjourn to another day, or in case the commissioners so assembled, shall omit or neglect to adjourn themselves; then, and in such case, the clerk to the said commissioners, shall by publick notice in some news paper printed within the weekly bills of mortality, to be given at least ten days before the next meeting; or in case the said clerk shall happen to die before such notice given, or shall neglect, refuse, or omit, to give such notice as aforesaid, then any two commissioners shall, and may by the like publick notice, appoint the said commissioners to meet at the place where the last meeting was appointed to be held, within fourteen days next after the day on which such last meeting was appointed to be held; and that all orders and determinations of the said commissioners, in execution of this act (except as is herein after excepted) shall be at meetings held in pursuance of this act, and not otherwise; and that no such order or determination shall be made, unless the major part of the commissioners present shall concur therein, such major part not being a less number than the number by this act authorized to make such order or determination; nor shall any commissioner be capable of acting in execution of this act, during the time he shall hold any office under, or have any share or interest in, any contract relating to the execution of any of the powers of this act.

VI. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, within their respective divisions, shall and may, by writing under their hands and seals, at their first or any subsequent meeting, giving fourteen days notice thereof after the first meeting in some publick news paper, appoint one or more clerk or clerks, and treasurer or treasurers, and collector or collectors, receiver or receivers, of the rates or assessments, surveyor or surveyors, and such other officer or officers, for the execution of this act, as they the said commissioners, or any five or more of them, shall think proper, and, from time to time, remove him or them, and appoint others, as they shall find necessary or convenient; and by and out of the monies to be raised by virtue of this act, may and are hereby impowered to appoint and pay such salaries and allowances to such officers, and to all other persons by them the said commissioners employed in the execution of this act, as they shall think reasonable; and the said commissioners, or any five or more of them, shall and may take such security for the due execution of the respective offices, by such person and persons as aforesaid, as the said commissioners, or any five or more of them, shall think proper; and such person or persons as are hereby made liable to pay the several rates or sums of money hereby granted, shall pay the same to such person or persons as shall, from time to time, be so appointed to collect and receive the same, according to the true meaning of this act;

and

and all such officers and persons, so to be appointed as aforesaid, to account ; shall, under their hands, at such time and times, and in such manner, as the said commissioners, or any five or more of them, shall direct, deliver to such commissioners, or such person or persons as they, or any five or more of them, shall appoint, true and perfect accounts in writing of all matters and things committed to their charge by virtue of this act ; and also of all the monies which shall have been by such officer or officers, and person or persons respectively, received by virtue and for the purposes of this act, and how much thereof hath been paid and disbursed, and for what purposes together with the proper vouchers for such payments ; and shall pay all such monies as shall remain in their respective hands to the said commissioners, or any five or more of them, or to such person or persons as they shall appoint ; and all the said officers and persons, so accounting as aforesaid, shall, upon oath, if thereunto required, which oath the said commissioners, or any two or more of them, are hereby impowered and required to administer, verify their said accounts ; and if any such officer or person shall not make and render, or shall refuse to verify upon oath any such account, or to produce or deliver up the vouchers relating to the same, or to make payment as aforesaid, or shall not deliver to the said commissioners, or any five or more of them, or to such person or persons as they shall appoint, within ten days after being thereunto required by any five or more of such commissioners, all books, papers, and writings, in his custody or power, relating to the execution of this act ; or shall refuse or neglect to pay such monies as, upon the balance of any account or accounts, shall appear to be in their respective hands, to the said commissioners, or any five or more of them, or as they shall direct or appoint ; then, and in either of the cases aforesaid, such commissioners, or any five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any action or actions in the names of such commissioners, or in the name or names of any two or more of them, against the officer or officers, person or persons, so neglecting or refusing as aforesaid, in order for the recovery of the monies that shall be in the hands of such officer or officers, person or persons respectively ; or if complaint shall be made by the said commissioners, or by any five or more of them, or by such person or persons as they shall appoint for that purpose, of any such refusal or neglect as aforesaid, to any two or more of the justices of the peace for the county or place wherein such officer or officers, person or persons, so neglecting or refusing shall be and reside ; such justices may, and are hereby authorized and required, by a warrant or warrants under their hands and seals, to cause the officer or officers, person or persons, so refusing or neglecting, to be brought before them ; and upon his and their appearing, or not being to be found, to hear and determine the matter in a summary way : and if upon the confession of the party or parties, or by the testimony of any credible witness or witnesses,

witnesses upon oath, which oath such justices are hereby impowered and required to administer without fee or reward, it shall appear to such justices that any of the monies that shall have been collected or raised by virtue of this act, shall be in the hands of such officer or officers, person or persons; such justices may and are hereby authorized and required upon non-payment thereof, by a warrant or warrants under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of such officer or officers, person or persons respectively: and if no goods or chattels of such officer or officers, person or persons, can be found sufficient to answer and satisfy the said money, and the charges of distraining and selling the same; then, and in either of the cases aforesaid, such justices shall commit every such offender to the house of correction, there to remain without bail or mainprize, until he shall give and make a true and perfect account and payment as aforesaid, or until he shall compound with the said commissioners, or any five or more of them, and shall have paid such composition in such manner as they shall appoint; which composition the said commissioners, or any five or more of them, are hereby impowered to make; or until he shall deliver up such books, papers, and writings, as aforesaid, or give satisfaction in respect thereof, to the said commissioners, or any five or more of them.

Commissioners may appoint officers though not at a publick meeting.

VII. Provided always, That as often as any collector or receiver of the monies to be raised by virtue of this act, shall die, or be incapable of performing his duty, it shall be lawful for any five or more of the said commissioners, though not assembled at any meeting pursuant to this act, by any writing under their hands, to appoint another person to collect such monies: and such person shall continue to collect the same, until the commissioners shall, at a meeting to be held in pursuance of this act, appoint a collector or receiver of such monies; any thing herein contained to the contrary notwithstanding.

Officers taking any reward, other than their salaries,

VIII. And be it further enacted, That if any person who shall be employed as a clerk, treasurer, collector, receiver or surveyor, or any other officer or servant who shall be any ways employed by the said commissioners in putting this act or any the powers thereof in execution, shall exact, take, or accept, any fee or reward whatsoever, other than such salaries, allowances, and rewards, as shall be appointed, allowed, and approved of, by the said commissioners, or any five or more of them, for or on account of any thing done, or to be done by virtue of this act, or on any account whatsoever relative to the putting this act in execution; or shall any ways be concerned in interest in any bargain or contract made, or to be made, by the said commissioners, or any of them, for the purposes of putting this act in execution; every such person so offending shall be incapable of ever serving or being employed under this act, and shall over and above forfeit the sum of one hundred pounds to any person or persons who shall sue for the same, by action

or being interested in any bargain made by the commissioners, are disqualified from being employed under this act,

of debt, bill, plaint, or information, in any of his Majesty's courts of record, within six calendar months after the offence committed, in which said suit no essoin, protection, or wager of law, nor more than one imparlance, shall be allowed.

and forfeit also 100l.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, obstruct, hinder, or molest, any surveyor or surveyors, or other officer or officers, workman, person or persons whatsoever, who is, are, or shall be, employed by virtue of this act, in the performance or execution of their duty, every such person so offending shall, for the first offence, forfeit the sum of twenty shillings; for the second offence, the sum of forty shillings; and for the third, and every other offence, the sum of three pounds.

Penalty on interrupting workmen, &c.

X. And be it further enacted by the authority aforesaid, That it shall be lawful for the said commissioners, and they, or any seven or more of them, are hereby authorized and required, from time to time, at a general meeting assembled, to appoint a collector or collectors of the tolls, and a treasurer or treasurers of the money to be collected or raised by virtue of this act, as, or upon account of, the tolls hereby authorized to be taken; and the said commissioners, or any seven or more of them, shall take such security of such treasurer or treasurers for the due execution of his and their office, as the said trustees, or any seven or more of them, shall think proper, before such treasurer or treasurers shall be allowed to enter upon his or their office; and such treasurer and treasurers shall, from time to time, as soon as conveniently may be, after he or they shall have received the sum of three hundred pounds of the monies appointed to be received by him or them, by virtue of, and for the purposes of this act, pay the same into the bank of *England*, in the name of, and on account of, the said commissioners, and to be disposed of by order of the said commissioners, or any seven or more of them, at a general meeting assembled for the purposes of this act; and all such collectors and treasurers so to be appointed, shall, and they are hereby made liable to account to and with the said trustees, or any seven or more of them, at a general meeting assembled, with respect to the business by virtue of this act committed to their care and charge respectively, and to be removed from their offices in such and the same manner, and subject to and under such and the same rules, orders, penalties, and punishments, as are herein before prescribed and directed, with respect to officers to be appointed within the respective divisions.

Commissioners to appoint collectors and treasurers of the tolls.

Treasurer to give security.

Money to be paid into the bank.

Officers to account.

XI. And be it further enacted by the authority aforesaid, That from and after the said second *Monday*, the said commissioners, or any five or more of them, within their respective divisions, shall have full power and authority, from time to time, to order and direct the said streets and lanes, or any of them within their respective divisions, to be paved, repaired, raised, sunk, or altered; and also to cause, order, and direct, the said streets and lanes, and the said several courts, yards, alleys, passages, and places,

The streets, &c. to be paved, cleaned, and lighted.

places, to be cleansed, lighted, and watched, when and in such manner as they shall think fit.

What streets shall be first paved.

XII. Provided always, and be it further enacted and declared by the authority aforesaid, That the pavements of the high street, from the south end of *London Bridge*, to the stones end in *Blackman Street Church Lane*, *Kent Street* and *White Street*, in the west division, and from the west end of *Tooley Street*, to the north end of *Bermondsey Street*, in the east division, shall be compleated, previous to and before any other street or place, within the respective divisions, shall be begun to be paved.

The High Street how to be paved.

XIII. And be it further enacted by the authority aforesaid, That the commissioners, having the care of the said west division, shall, and they are hereby required to cause the said *High Street* from *London Bridge* to the stones end in *Blackman Street*, to be paved with the stone known by the name of *whyn quarry stone*, or with rock stone, or with stone of a flat surface.

Materials may be dug out of, or brought into, the streets, &c.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall also have full power and authority to cause to be dug, carted, and carried out of or brought into, the said streets and lanes, such gravel, stones, and other materials; and to employ such artificers, workmen, labourers, carters, and others; and to issue such money on those accounts, and to do all and every such other acts and things as the said commissioners, or any five or more of them, shall judge necessary or conducive to the accomplishing of the ends and designs of this act.

Commissioners may make contracts.

XV. And be it further enacted, That the said commissioners, or any five or more of them, may, and are hereby impowered, from time to time, at any of their said meetings, as occasion shall require, to contract with any fit person or persons, for paving and keeping in repair the said streets and lanes, and for cleansing and lighting the same, and likewise the several courts, yards, alleys, passages, and places above described; which contract and contracts shall specify the several works to be done, and the prices to be paid for the same, and the time or times when the said works shall be completed, and the penalties to be suffered in case of non-performance thereof; and shall be signed by the said commissioners, or any five or more of them, and by the person or persons contracting to perform such works; but previous to the making of any such contract, fourteen days notice shall be given in some publick news paper, expressing the intention of the intended contract, in order that any persons willing to undertake the same, may make proposals for that purpose, to be offered and presented to the said commissioners at a certain time and place in each notice to be mentioned.

Scavengers, by consent of the justices, may lodge their dirt, &c. in any vacant place;

XVI. Provided always, That the person or persons so contracted with for cleansing the said streets and other places, or any part or parts thereof, shall have liberty, by the approbation and order of the justices of the peace acting in and for the said town and places, or any two or more of them, to lodge their dirt, dust, ashes, or other filth, in such vacant and publick places

places in or near the said streets, and other places, as shall not appear to the said justices to be intended to be built upon, and shall be thought convenient by the said justices, for the accommodation of the country carts; they the said persons, so contracted with, giving such satisfaction to the owners and occupiers of such vacant places, as the said justices shall direct. making satisfaction.

XVII. And be it further enacted, That it shall and may be lawful for the said commissioners, or any five or more of them, and they are hereby directed to cause all and every the works done in pursuance of this act, to be inspected by their surveyor or surveyors, or by such other person or persons as they shall, from time to time, appoint; and in case the same shall not be well and sufficiently performed, according to the true sense and meaning of such contract or contracts, or shall not be finished and completed at or within the time or times that the same are agreed to be completed by the said contract or contracts, the said commissioners shall and may, in their own names, or in the names of two of them, bring an action in any of his Majesty's courts of law at *Westminster*, against any person or persons so contracting and neglecting to perform such contract or contracts, and for any penalty or penalties, damage or damages, which shall be contained in such contract or contracts; and upon the proving the signing of the said contract or contracts, and non-performance thereof, at the time or times for the purposes therein mentioned, the said commissioners shall be intitled to, and shall recover, such penalty or penalties, damage or damages, which, when recovered, shall be applied for the purposes of this act, within the division where the matter shall arise. Surveyors to inspect the works.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed or taken to make void any contract, covenant, or agreement, between landlord and tenant, touching or concerning the paving the said streets, lighting or cleansing the same, or the said courts, yards, lanes, alleys, passages, and places, or any part of them, or either of them; but that every person who is now, by virtue of any such contract or agreement, obliged to pave, keep in repair, cleanse, or light, any part of the said streets, courts, yards, lanes, alleys, passages, or places, or either of them, shall, in lieu thereof be obliged to pay the rates hereby directed to be made and assessed, or so much thereof as shall, by the said commissioners, or any five or more of them, be deemed just and reasonable, according to the true meaning of such contract, covenant, or agreement, for and during such time as such contract, covenant, or agreement, shall remain in force; and in case any dispute shall arise concerning such contract, covenant, or agreement, the said commissioners, or any five or more of them, shall have power, and they are hereby required to hear and finally determine the same. Agreement between landlord and tenant, touching paving, &c. the streets, &c. not vacated.

XIX. And, for the better information of the said commissioners in putting this act in execution, be it further enacted by the authority aforesaid, That it shall and may be lawful for any

Persons authorized by the commissioners, to be allowed to inspect, &c. parochial rates.

person or persons authorized by the said commissioners, or any five or more of them, at all convenient times (first having an order under the hands of the said commissioners, or any five or more of them, for that purpose) to inspect and take copies of, or extracts out of or from, any book or books, rate or rates, made or kept by any parish officer or officers, or other officer or officers appointed by authority of parliament, within the cities of *London* or *Westminster*, or counties of *Middlesex* or *Surrey*; for the paving, cleansing, or lighting, any square, street, lane, place, or district, in *London*, *Westminster*, *Middlesex*, or *Surrey*; which inspection, copies, and extracts, the vestry clerk or vestry clerks, or other officer or officers of the respective parishes and places, or other officer or officers, person or persons, having the custody of such book and rate, books and rates, are hereby required to permit and suffer to be made, without fee or reward, by such receiver or receivers, or other person or persons appointed as aforesaid, on their producing an order under the hands of the said commissioners, or any five or more of them, for that purpose: and in case any such vestry clerk, or other such officer or officers, or person or persons, shall neglect or refuse so to do, within fourteen days after such order shall be produced and shewn to him or them, or a copy thereof left at his or their last or most usual place of abode; then, and in every such case, he or they so refusing or neglecting, shall, for the first offence, forfeit the sum of twenty shillings; for the second offence, the sum of forty shillings; and for the third and every other offence, the sum of three pounds.

Penalty of refusal by vestry clerk, &c.

Contracts made in each division, free for the inspection of commissioners in the other.

XX. And be it further enacted by the authority aforesaid, That all the accounts and contracts of the commissioners of each of the said divisions shall, at all times, be open and free for the inspection and examination of all and every of the commissioners appointed by this act; and that the commissioners of each of the said divisions, within eight days after demand in writing shall be made by any of the said commissioners for that purpose, shall cause a true copy of such accounts and contracts, or of so much thereof as shall be so required, to be delivered to such of the said commissioners who shall require the same, upon payment of the sum of one shilling for every hundred words and figures which shall be contained in such copy.

Watchmen.

XXI. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall and may, yearly, and every year, and they are hereby authorized and required, to order and establish such number of watchmen, beadles, and other officers, as they shall judge necessary and proper to be kept or employed in the said streets, and other places, as aforesaid; and to nominate and appoint such honest and able-bodied men to be employed in that service, as they shall think best qualified for the same; and shall likewise direct and appoint, in writing, how and where the several watchmen shall be stationed, and in what manner they shall be armed, how often they shall go their rounds, how long they shall continue

tinue upon duty, and what wages shall be allowed to such watchmen, beadles, and other persons, for their attendance; and shall and may also erect, hire, or otherwise provide, a proper place or places for the reception of the watchmen, beadles, and other persons, as aforesaid; and shall make all such orders and regulations in writing, as the nature of the service shall appear to them the said commissioners, or any five or more of them, to require.

XXII. And be it further enacted by the authority aforesaid, That true copies or transcripts of all such nominations, orders, and regulations, as shall be made, from time to time, for the better direction and government of the watchmen, beadles, and other persons, shall be signed by the said commissioners, or any five or more of them; and the said watchmen, beadles, and other persons, shall keep watch and ward within the said streets, and other places, for such respective times, and in such manner, as shall, from time to time, be appointed by the said commissioners, or any five or more of them; and shall, in their several turns and courses of watching, use their best endeavours to prevent all mischiefs happening by fires, and all murders, burglaries, robberies, breaches of the King's peace, and all other outrages and disorders; and to that end shall, and they are hereby jointly and severally empowered and required, to arrest, apprehend, and detain, in the watch-house, or other convenient place of security, to be provided or appointed by the said commissioners, or any five or more of them, within, or near to, the said streets, all malefactors, disturbers of the King's peace, and all suspected persons, who shall be found wandering or misbehaving themselves, and shall carry them (so soon as conveniently may be) before one or more of his Majesty's justices of the peace acting in and for the said town and places, to be examined and dealt with according to law, and the said beadles, and other persons, shall, so often in every night as shall be ordered by the said commissioners, or any five or more of them, go about their respective districts and rounds, to take notice whether all the watchmen perform their duty in their several stations, according to such orders and regulations as shall be provided for that purpose by the said commissioners as aforesaid: and in case any watchman shall misbehave himself, or neglect his duty, the said beadles, or other person or persons respectively, shall as soon as conveniently may be, give notice thereof to the treasurer to the said commissioners, who is hereby authorized to suspend such watchman from the execution of his office, and appoint another person to officiate therein until the next meeting of the said commissioners, when the said treasurer shall acquaint the commissioners assembled at such meeting with the complaint against such watchman, in order for the said commissioners to proceed to the examination of the offence; and such watchman shall be subject and liable to the penalty of five shillings for every such neglect or misbehaviour, or be discharged from his said office of watchman.

Regulations
to be signed
by commis-
sioners.

Disturbers of
the peace may
be secured.

Penalty on
beadles, &c.
neglecting
duty.

XXIII. And be it further enacted by the authority aforesaid, That if the said beadles, and other persons, or any of them, shall wilfully neglect to attend in their turn to keep watch and ward, or shall not come to keep watch and ward, in manner or during the times which shall be appointed by the said commissioners for their attendance thereon; or shall depart from, or leave keeping watch and ward, during the respective hours appointed by the said commissioners as aforesaid for keeping the same, or shall otherwise neglect their duty or misbehave themselves; the persons so offending, shall respectively forfeit and pay for every such neglect or offence, any sum not exceeding twenty shillings.

Watchmen to
apprehend
malefactors.

XXIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said watchmen, or any of them, in the absence of the beadle or other person or persons as aforesaid; and they are hereby respectively authorized and required in their several stations, during the time of their keeping watch and ward, to apprehend all such malefactors, disturbers of the King's peace, and all such suspected persons who shall be found wandering or misbehaving themselves; and to carry the person or persons so apprehended (as soon as conveniently may be) before some neighbouring justice of the peace for the said county, to be examined and dealt with according to law; and to keep such person or persons within the watch-house, or some other place of safety, in the mean time.

Property of
all materials
vested in the
commissioners:

XXV. And be it further enacted by the authority aforesaid, That the property of the pavements, lamps, iron, timber, furniture, watch-houses, turnpikes toll-houses, and of all other materials and things, which shall be provided or made use of for the purposes of this act, shall be, and the same are hereby vested in the commissioners within their respective divisions for the time being; and they, or any five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any action or actions, in the name or names of any one or more of them; or to prefer, and order and direct the preferring of indictments, against any person or persons who shall steal, take, or carry away, any or any part of such materials or things, or disturb them in the possession thereof.

Penalty on
stealing or in-
juring the
materials;

and on da-
maging or ex-
tinguishing
lamps.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully break, throw down, or otherwise damage, any of the lamps which shall be erected by the said commissioners, or any of the posts, irons, or other furniture thereof, or extinguish any of the said lamps when lighted; it shall and may be lawful to and for any one or more justice or justices of the peace acting in and for the said town and places, and he and they is and are hereby required, upon oath made of the commission of any such offence (which oath such justice or justices is and are hereby impowered, and required to administer to any person or persons offering to make the same) to issue a warrant or warrants, for apprehending the party or parties accused; or it shall be lawful for any person or persons

persons whatsoever, who shall see such offence committed, to apprehend, as also for any other person or persons, to assist in apprehending the offender or offenders, and by authority of this act, and without any other warrant, to convey him, her, or them, or to deliver him, her, or them, into the custody of a peace officer, in order to be secured and conveyed before some justice of the peace for the said town and places, to be dealt with as herein after is directed; and the party or parties accused, being brought before any such justice, or oath being made before him, that such party or parties cannot be found and apprehended (which oath the said justice is hereby also empowered and required to administer) such justice shall proceed to examine upon oath any witness or witnesses, who shall appear or be produced to give information touching such offence; and if the party or parties accused shall be convicted of such offence, either by his, her, or their own confession, or upon such information as aforesaid, he, she, or they, so convicted, shall for the first offence respectively forfeit the sum of ten shillings, for each lamp so broken, thrown down, damaged, or extinguished, as aforesaid; and for the second offence, the sum of fifteen shillings; and for the third, and every subsequent offence, the sum of twenty shillings; and full satisfaction shall also be made to the said commissioners, or to their surveyor, by such offender or offenders, for the damage so by him, her, or them, done as aforesaid; and in case such offender or offenders shall not upon conviction pay such forfeiture by him, her, or them, incurred, and make such satisfaction as aforesaid, the justice before whom such offender or offenders shall be convicted, is hereby required to commit him, her, or them, to the house of correction for the said county, there to be kept to hard labour for any time not exceeding three calendar months; and such offender or offenders shall not be discharged before the expiration of the time for which he, she, or they, shall be committed, unless such forfeiture and satisfaction shall be sooner paid and given; and one moiety of the said respective forfeitures, when recovered, shall be paid to the informer or informers, and the other moiety shall be applied for the purposes of this act: and if any person shall negligently or accidentally break, throw down, or otherwise damage, any of the said lamps, or any of the posts, irons, or other furniture thereof, and shall not, upon demand, make satisfaction to the said commissioners, or any five or more of them, or to their surveyor, for the damage by such person done as aforesaid; it shall be lawful for any justice of the peace for the said town and places, and he is hereby required, upon complaint to be made by any five or more of the said commissioners, or by their surveyor, to summon the party complained of; and upon his or her appearance, or making default to appear (oath being made that the party complained of was served with such summons, or that the same was left at his or her dwelling-house or place of abode, if known, or that he or she could not be found) such justice shall proceed to examine the matter of the

said complaint; and upon proof thereof, either by confession of the party complained of, or by the oath of one or more credible witness or witnesses, (which oath the said justice is hereby impowered and required to administer) shall award and order such satisfaction to be made by the party complained of, for the damage so by him or her done, as to such justice shall appear just and reasonable; and shall cause the sum so awarded (in case the same be not paid forthwith upon the making of such award or order) to be levied by distress and sale of the offender's goods and chattles, rendering to him or her the overplus (if any be) upon demand, after the charges of prosecuting such complaint, and of such distress and sale, shall be deducted; and in case sufficient distress cannot be found, such justice shall commit the party complained of to the common gaol or house of correction for the said county or borough, until he or she shall pay the sum so awarded, or for any time not exceeding the space of one calendar month.

Commissioners may sell the old materials, and apply the money, &c.

XXVII. And it is hereby further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall have full power and authority, within their respective divisions, from time to time, to sell and dispose of all or any part of the old pavement, or other materials, to such person or persons as shall be willing to purchase the same, and to apply the purchase-money to the purposes of this act.

Notice to be given to surveyor of taking up pavement for repairing, &c. any vault or drain, &c.

XXVIII. And be it further enacted by the authority aforesaid, That when and so often as any part of the pavement of the said streets or lanes shall be taken up for the purpose of making, repairing, altering, cleansing, or emptying, any sewer, vault, or drain, or of laying, altering, or amending, any water pipe or plug, or for any other purpose whatsoever; the person or persons so taking up such pavement, shall immediately give notice thereof to the surveyor or clerk to the commissioners for putting this act in execution, in order that the same may, with all convenient speed, be laid down and repaired, under the inspection of the said surveyor, and the charges and expences thereof shall be paid by the said commissioners, and they shall be reimbursed the same by the person or persons, companies of water-works, or commissioners of sewers, who shall take up, or cause or procure to be taken up, the said pavement, or any part or parts thereof.

Commissioners to reimburse the expences.

XXIX. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners for putting this act in execution, or any five or more of them, within their respective divisions, from time to time, to compound and agree with the said companies, or commissioners of sewers, or other person or persons respectively, for a certain sum of money, by the foot or other measure, as the said commissioners for putting this act in execution, or any five or more of them, shall think reasonable; in lieu and in stead of laying down or repairing such pavement as shall be necessarily taken up for any the purposes aforesaid.

Commissioners may contract with the companies, &c. for relaying such pavements.

XXX. And

XXX. And be it further enacted by the authority aforesaid, That in case such person or persons, companies of water-works, or commissioners of sewers respectively, shall neglect or refuse to pay what the said commissioners shall have so paid and disbursed, or what shall be due upon such contract or composition as aforesaid, within ten days next after notice thereof, to be left, by the receiver or receivers appointed, or to be appointed, by the said commissioners, at the dwelling-house, or last place of abode, of such person or persons, or of the secretary or secretaries, clerk or clerks, of such companies of water-works, or commissioners of sewers respectively; which notice shall be in writing, and signed by the clerk to the commissioners for putting this act in execution, by order of the said commissioners, or any five or more of them, and annexed to the bill, containing an account of the expence of such repair, or money due upon such composition; it shall and may be lawful to and for the said last mentioned commissioners, or any five or more of them, and they are hereby authorized and impowered to bring, or cause to be brought, any action or actions, in the name of their clerk for the time being, for the recovery of such sum or sums of money respectively; and in case such person or persons hereby directed to give such notice to the surveyor or clerk, as is before directed, shall neglect so to do for the space of twenty four hours after such pavement shall be so taken up, such person or persons shall, for every such offence, forfeit and pay the sum of twenty shillings.

On refusal of payment,

an action may be brought for the money.

XXXI. And be it further enacted by the authority aforesaid, That if, for the purposes of this act, it shall at any time be found necessary to raise, sink, or any otherwise alter, the position of any of the pipes or plugs laid down or placed by the said companies, or of any of the leaden or other pipes which shall be laid into or from any of the said companies pipes, which the said commissioners, or any five or more of them, are hereby impowered to cause to be done, as often and in such places as they shall think proper; the same shall be paid for out of the monies arising by virtue of this act, and shall be done with as little detriment or inconvenience to the said companies, and other persons, as the circumstance of the case will admit of.

Commissioners to pay for altering pipes.

XXXII. And be it further enacted by the authority aforesaid, That when and so often as it shall happen, that any pipe or pipes belonging to any water company shall break or burst in the said streets or lanes, or either of them, it shall and may be lawful to and for the surveyor to the said commissioners for the time being, or such other person as the said commissioners, or any five or more of them, shall appoint for that purpose, to give immediate notice thereof to the paviour of the water company, to whom he apprehends such pipe or pipes does, or do, or may belong, and require him to take up the pavement, and open the ground, at or near the place where the water shall or may issue, by reason of such pipe or pipes breaking or bursting, within two days next after such notice given to such paviour,

Where any of the water companies pipes break, notice to be given to such companies,

When completed, notice to be given to commissioners paviour.

If it proves that the pipe does not belong to the company who first opens the ground, they are to be paid their charges by the company to whom it does belong.

or left at his last or usual place of abode; and if upon taking up the pavement, and opening the ground, it shall appear that the pipe or pipes so broke or burst, do not belong to the water company whose paviour shall have taken up such pavement, and opened such ground, that then, and in such case, the surveyor, or other person as aforesaid, shall give immediate notice to the paviour of that company to whom it shall appear that the said pipe or pipes belong, such notice to be given or left with such paviour, or at his last or usual place of abode, and the paviour of the company to whom such pipe or pipes shall belong, is hereby required to repair the same, and fill in the ground within six days after such notice given or left as aforesaid, and also within twelve hours after such pipe shall be repaired, and the ground filled in, to give notice to the paviour or paviours contracting with the said commissioners, or to the surveyor, or other person aforesaid, of such pipe or pipes being repaired, and such ground being filled in, such notice to be given to such contractor, surveyor, or other person, or left at his or their last or usual place of abode: and in case it shall happen that the paviour who first receives notice to take up the pavement, and open the ground for the purposes aforesaid, shall take up such pavement, and open such ground, and it shall then be discovered that the pipe or pipes which is, are, or shall be burst or broke, doth or do not belong to the company to whom he is paviour; that then, and in such case, the paviour of the company to whom such pipe or pipes belong, shall make satisfaction to the paviour who so took up such pavement, and opened such ground for such work; and in case the paviour to whom such notice shall be so given to take up such pavement, and open such ground, shall neglect or refuse to do the same, within the said two days after notice given, he shall, for the first offence, forfeit and pay the sum of twenty shillings, for the second offence, the sum of forty shillings, and for the third, and every other offence, the sum of three pounds; and in case the paviour of the company to whom such pipe or pipes so broke or burst shall belong, shall neglect or refuse to repair and amend the same, and fill in the ground so taken up, for the space of six days next after such notice given, or shall neglect to give notice to the paviour or paviours contracting with the said commissioners, or to the surveyor to the said commissioners, or to such other persons as aforesaid, such paviour shall, for the first offence, forfeit the sum of twenty shillings, for the second offence, the sum of forty shillings, and for the third and every other offence, the sum of three pounds; and if the person or persons contracting with the said commissioners, to re-lay such pavement so broke or taken up, for the reasons aforesaid, shall neglect or refuse to re-lay such pavement, in a good, sufficient, and effectual manner, within two days after such notice given to him as aforesaid; or if the surveyor, or other person to whom such notice shall be given, shall neglect to acquaint

acquaint

quaint the contractor of such notice, then, and in every such case, the person or persons so offending shall, for the first offence, forfeit the sum of twenty shillings, for the second offence, the sum of forty shillings, and for the third and every other offence, the sum of three pounds.

XXXIII. And be it further enacted by the authority aforesaid, That the several and respective pavours now appointed, or hereafter to be appointed, by the said several and respective water companies, shall, and they are hereby required, within the space of three days next after the passing this act, or within the space of three days next after he shall be appointed paviour to such company or companies, to give notice in writing to the surveyor or clerk for the time being to the said commissioners of his the said paviour's name, place of abode, and to what company he is paviour; and in case any such paviour or pavours shall neglect or refuse to give such notice within the respective times aforesaid, every such paviour so offending in either of the said cases, shall, for the first offence, forfeit the sum of twenty shillings, for the second offence, the sum of forty shillings, and for the third and every other offence, the sum of three pounds.

Pavours to water companies to give notice to the surveyor or clerk of their names and abode.

XXXIV. And be it further enacted by the authority aforesaid; That no person or persons shall make, or cause to be made, any alteration in the form of any of the pavement of the said streets or lanes, or of any part thereof, without the consent and direction of the said commissioners, or any five or more of them, under their hands and seals; upon pain of forfeiting, for every such offence, the sum of five pounds, over and above all expences incurred or to be incurred in reinstating the same.

No alteration to be made in the form of the pavements, without commissioners consent.

XXXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, from time to time, to direct and cause the course of any gutter or channel, running in or through the said streets or lanes, or either of them, to be turned or altered in such manner as they shall think proper, and to direct the grates already placed, or hereafter to be placed, over any sewers, to be removed and replaced in such manner, and at such place and places, as they shall think most proper; all which shall, from time to time, be done at the expence of the said commissioners, and paid for out of the money arising by virtue of this act; any law, usage, or custom, to the contrary notwithstanding.

Course of gutters to be turned, if necessary, and grates altered, &c.

XXXVI. And be it further enacted by the authority aforesaid, That when and so often as there shall be occasion to make new or additional grates over any sewer or sewers within the said streets or lanes, or either of them, or to repair or alter any of the old grates belonging to the commissioners of sewers, in the said streets or lanes, or either of them, the same shall be made new, repaired, or altered, by, and at the expence of, the said commissioners of sewers; and the same, when so made new, repaired, or altered, shall be laid down in such places,

Where it shall be necessary to make new grates, or repair old ones, commissioners of sewers to pay the expence.

and

and at such distance from each other, and in such manner and form, as shall be directed by the surveyor to the commissioners for putting this act in execution, at the expence of the said commissioners of sewers; and, in case the said commissioners of sewers shall neglect or refuse so to do for the space of ten days next after notice given or left with their clerk or clerks for the time being, it shall and may be lawful to and for the said commissioners appointed by this act, or any five or more of them, or their surveyor, to cause such grate or grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down; the expence whereof shall be reimbursed and paid by the said commissioners of sewers, or recovered of them in like manner as the charges and expences of re-laying pavements is herein before authorized to be recovered.

Sewers to be repaired, &c. by commissioners of sewers.

XXXVII. And be it further enacted by the authority aforesaid, That when and so often as any sewer or drain, which is or shall be under the direction of the commissioners of sewers, and which shall be situate in or communicating with the said streets or lanes, or either of them, shall require to be made new, repaired, altered, cleansed, or emptied; then, and in every such case, the said commissioners of sewers shall, within six days after notice given to or left for their surveyor for the time being, at his last or usual place of abode, by the said commissioners appointed to put this act in execution, or any five or more of them, or by the surveyor, or other person authorized by them, make new, effectually repair, clean, or empty, such sewer or drain, as the case may require: and, in default thereof, that it shall and may be lawful to and for the said commissioners appointed by this act, or any five or more of them, or their surveyor or surveyors for the time being, to cause such sewer or drain to be made new, repaired, altered, cleansed, or emptied, as the case may require, or so much thereof as shall remain unfinished; the charges and expences whereof shall be paid by the commissioners for putting this act in execution, who shall be reimbursed the same by the clerk or treasurer for the time being to the said commissioners of sewers: and, in case the said clerk or treasurer to the said commissioners of sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within ten days next after notice thereof shall be left at the dwelling-house or last place of abode of such clerk or treasurer; which notice shall be in writing, and signed by the clerk to the commissioners for putting this act in execution, and annexed to the bill, containing an account of such charges and expences; it shall and may be lawful to and for the said last mentioned commissioners, or any five or more of them, and they are hereby authorized and empowered to bring, or cause to be brought, any action or actions, in the name of their clerk for the time being, against such clerk or treasurer of the commissioners for the time being, for the recovery of such sum or sums of money as they shall have so expended for

On their neglect, the same to be done by these commissioners,

and paid for by commissioners of sewers.

for the purposes aforesaid, in which action or actions no effoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XXXVIII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall throw, cast, or lay, or cause or permit, or suffer, to be thrown, cast, or laid, any ashes, dust, dirt, soil, or other filth whatsoever, before any dwelling-house, shop, stable, building, or wall, in either of the said streets or lanes, or in any or either of the said courts, yards, alleys, passages, or places; but shall keep, or cause the same to be kept, in their respective houses or yards, until such time as the person or persons contracted with or employed to carry away such ashes, dust, dirt, filth, or soil, do come by or near their houses, doors, or places, where they dwell, with a cart or carts, or other conveniencies, for carrying away the same, upon pain of forfeiting, for the first offence, the sum of five shillings; for the second offence, the sum of ten shillings; and for the third, and every other offence, the sum of twenty shillings.

Penalty of laying ashes, &c. in the streets.



XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the said second *Monday* next after the passing of this act, set out, lay, drive, or carry, or cause or procure, permit or suffer, to be set out, laid, drove, or carried, any coach, cart, dray, waggon, or other carriage, wheels, timber, stones, or any other material, matter, or thing, which may occasion any annoyance, nuisance, or obstruction whatsoever, in the said streets or lanes, or either of them, so as to stop, obstruct, incommode, or endanger, any person or persons, carriage or carriages whatsoever, passing thereon; or if any cart, waggon, or other carriage, with hay or straw therein for sale; or any cart, waggon, coach, or other carriage, intended to be let out or worked for hire (except hackney coaches, which shall stand in such part or parts of the said streets or lanes, or some of them, as shall be appointed by the said commissioners, or any five or more of them) shall be suffered to stand in either of the said streets or lanes for any the purposes aforesaid respectively; or if any cart, waggon, or other carriage, or any wheel-barrow, shall be suffered to remain in the said streets or lanes, or either of them, any longer than is needful and proper for the necessary loading or unloading thereof respectively; or if any cart, dray, or other carriage, shall be placed or set across any part of any of the said streets or lanes within the said parishes, or either of them, for the purposes of loading or unloading the same; it shall and may be lawful, in any of such cases, for the said commissioners, or any five or more of them, either at any meeting in pursuance of this act, or without any such meeting, to cause the said carts, waggons, coaches, or other carriages, and matters, and things respectively, making or occasioning such annoyance, nuisance, or obstruction, to be removed, taken, carried away, and deposited, in such place or places, as the said commissioners, or any

Penalty on obstructing the streets, &c. by carriages, timber, or other materials.

Hackney coaches excepted.

five or more of them, shall direct or appoint; there to remain until the offender or offenders shall have paid and discharged all costs, charges, and expences, attending the carrying away and depositing the same as aforesaid, as also a sum not exceeding forty shillings for each such offence.

Penalty of driving, &c. any wheelbarrow, &c. on the foot pavements.

XL. And be it further enacted by the authority aforesaid, That if any person or persons shall run, drive, draw, or cause to be run, driven, or drawn, on any part of the foot pavements of the said streets or lanes, or either of them, any wheel or wheels, sledge, wheelbarrow, or any carriage whatsoever; such person or persons shall forfeit, for the first offence, the sum of ten shillings; for the second offence, the sum of twenty shillings; and for the third, and every other offence, the sum of forty shillings.

Hoards, &c. may be made for building or repairing, with leave.

XLI. Provided always, and be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons to erect or set up, or cause to be erected or set up, in the said streets or lanes, any inclosure, posts, bars, or rails, or other matters or things, for the purpose of making mortar, and depositing bricks, lime, or other materials, for building or repairing any houses, buildings, or other works; every such person or persons first obtaining leave, under the hand of the surveyor for the time being to the said commissioners, for those purposes respectively, which he is hereby impowered to give, by their permission: but if any person or persons shall erect or set up, or cause to be erected or set up, any such inclosures, posts, bars, or rails, or any other matter or thing, for the purposes aforesaid, without such leave first had and obtained, every such person shall, for every such offence, forfeit and pay a sum not exceeding twenty shillings for every hour such inclosure, matter, or thing, as aforesaid, shall remain and continue.

Commissioners may order the streets to be watered;

XLII. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall have full power and authority to cause the said streets and lanes to be watered as often as there shall be occasion, in such manner as the said commissioners, or any five or more of them, shall direct; and to defray the expences thereof out of the money to be raised by virtue of this act.

and wells to be dug in proper places.

XLIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, to erect porters blocks or rests; and to cause to be dug and sunk, in such place or places in the said streets or lanes, or in any street, lane, court, yard, alley, passage, or place, adjoining, any well or wells; and also to erect any pump or pumps on or near the same; and also to remove or alter any pump now standing in the said streets or lanes, for the purpose of watering the said streets or lanes, in such manner as the said commissioners, or any five or more of them, shall direct.

Names of streets, &c.

XLIV. And be it further enacted by the authority aforesaid, That the said commissioners, or any five or more of them, may

may order and direct the houses within the said streets and to be affixed
lanes, and within the said courts, yards, alleys, passages, and, ^{on the corner}
places, or any of them, to be numbered with figures placed or ^{houses.}
painted on the doors thereof, or in such other part of the said
houses respectively as they the said commissioners, or any five
or more of them, shall think proper; and may also order and
direct to be engraved, painted, or otherwise described, on a
conspicuous part of some house, or other building, at or near
the end or corner of each street, lane, court, yard, alley, pas-
sage, or place, adjoining to, or being near, the said streets or
lanes hereby directed to be regulated respectively, the names by
which such respective street, lane, court, yard, alley, passage, or
place, so adjoining, is usually or properly called or known; and
if any person or persons shall wilfully or maliciously de-
stroy, injure, obliterate, or deface, any such number, figure,
name, or description, or any part thereof, or cause or procure
the same to be done, and shall be convicted thereof by his or
her own confession, or by the oath of one or more credible
witnesses, before one or more justice or justices of
the peace acting in and for the said town and places, which
oath the said justice or justices is and are hereby impowered to
administer; every such person so offending shall, for every such
offence, forfeit and pay the sum of forty shillings.

XLV. And be it further enacted by the authority aforesaid, ^{Signs, &c. to}
That from and after the said second *Monday* next after the pas- ^{be regulated.}
sing of this act, the said commissioners, or any five or more of
them, shall cause all signs, which then, or at any time after,
shall be placed or hung in any part or parts of the said streets
and lanes, to be fixed or placed on the fronts of such houses
respectively whereto the same shall belong; and also shall and
may cause all sign irons, posts, boards, gutters, or other things,
occasioning any obstruction or annoyance in the said streets, to
be removed or altered in such manner as the said commissi-
oners, or any five or more of them, shall think most proper
and convenient; and that for the future, all signs, boards,
spouts, or gutters, shall be placed or fixed on the fronts of the
houses, shops, warehouses, or buildings, whereunto they re-
spectively belong, and not otherwise, and if any person or per-
sons shall, at any time hereafter, hang, place, erect, or build,
any sign, sign post or iron, board, spout or gutter, or cause the
same to be done, in any other manner than as aforesaid, or
shall in any manner occasion any incroachment or annoyance in
the said streets or lanes; every such person shall, for every such
offence, forfeit and pay the sum of five pounds.

XLVI. Provided always, and be it further enacted by the ^{Signs, &c. un-}
authority aforesaid, That if any, or any part of any, such sign, ^{used, to be re-}
sign iron or post, board, gutter, or spout, shall remain unused ^{turned.}
after the alteration made thereto, as before directed, the same
shall be returned to, and be the property of, the person to
whom the same belonged before such removal or alteration.

XLVII. *And whereas the said streets and lanes are, in some*
parts

Steps, &c. projecting too far, to be removed.

parts thereof, greatly obstructed and made dangerous to foot passengers, by steps being brought out from houses, steps and doors going down into cellars, vaults, and other places, and by shew glasses, shew boards, or other matters or things projecting from shops or houses, over and beyond the area belonging to such houses, or into the foot-ways; be it therefore further enacted by the authority aforesaid, That from and after the said second Monday after the passing of this act, all such steps projecting into the foot-ways of the said streets and lanes, and all steps and doors going down out of the foot-ways into any cellars, vaults, or other places, belonging to any house, shop, warehouse, or tenement, as likewise all shew glasses or shew boards projecting over and beyond the areas, or into the foot-ways, and all and every other material, matter, or thing, belonging to any house, warehouse, shop, cellar, or other building, which cause or occasion any nuisance, annoyance, incroachment, or obstruction, in the said streets or lanes, or either of them (either in the foot or carriage-way thereof) shall be, at the expence of the said commissioners, from time to time, removed, fixed, placed, or altered, in such manner and form as shall be approved of by the said commissioners, or any five or more of them, or their surveyor by their direction.

Pavements in other streets, how to be repaired.

XLVIII. And whereas the paving all the streets and lanes comprized within the limits of this act will necessarily require a course of time, and the pavements of many places continue very bad and dangerous, and the present method of presenting these inconveniences by the leet-juries is often attended with great delays: and whereas it is apprehended, that if power was given to the commissioners for executing this act to remedy these defects, the same would be of publick utility; be it therefore enacted by the authority aforesaid, That the surveyor to the said commissioners, or any other person or persons appointed by them, shall, as often as he or they is or are directed by the said commissioners, or any five or more of them, view the state and condition of the said streets, lanes, and other passages, within the parishes and places aforesaid, and all nuisances, defects, and wants of repair, and to present the same to the said commissioners in their respective divisions upon oath; which oath they, or any five or more of them, are hereby empowered to administer; and the said commissioners, or any five or more of them, shall thereupon send notice in writing, to the house or houses, or other buildings or tenements where such nuisance or defect shall be, requiring the same to be removed or amended within fourteen days then after; and if the same shall not be done according to such order and notice, the said commissioners, or any five or more of them, shall thereupon cause the nuisances or defects to be removed or amended, and they shall be reimbursed and paid by the tenant or tenants, occupier or occupiers, of the respective houses or other tenements; and such tenant or tenants, occupier or occupiers, is, and are, and shall be, liable to pay the whole of such charges and expences; and in case such tenant or tenants, occupier

occupier or occupiers, shall not within six days after the same shall be demanded, by a notice thereof in writing, given to him, her, or them, or left at his, her, or their last or most usual place of abode, pay, or cause to be paid, the said charges and expences to the said commissioners, or any five or more of them, or to such person or persons as they shall appoint to receive the same (which said notice shall be in writing, and signed by the clerk of the commissioners for the time being, by order of the said commissioners, or any five or more of them, and annexed to the bill containing an account of the expences incurred) it shall and may be lawful for the person or persons so to be appointed by the said commissioners to receive the same, to make complaint thereof to any one or more justice or justices of the peace for the county or place where such person or persons, so refusing or neglecting, shall be and reside; and such justice or justices may, and is and are hereby authorized and required, to issue a warrant under his or their hand and seal, or hands and seals, to cause the party or parties to be brought before him or them; and upon the party or parties appearing or not being to be found after due enquiry and proof thereof, by the oath of the party making such enquiry (which oath the said justice or justices is and are hereby impowered and required to administer) to hear and determine the matter in a summary way: and if upon the confession of the party or parties, or by the oath of one or more credible witness or witnesses (which oath such justice or justices is and are hereby impowered and required to administer) it shall appear to such justice or justices, that such charges and expences have been incurred by the said commissioners, and not paid or satisfied by the party or parties as aforesaid; then such justice or justices may, and he or they is and are hereby authorized and required to issue a warrant or warrants under his and their hand and seal, or hands and seals, for levying the same by distress and sale of the goods and chattles of such party or parties; and if after full payment thereof, together with all charges attending such distress and sale, there shall be an overplus, then the same shall be paid to the owner or owners of such goods and chattles upon demand.

XLIX. Provided always, That nothing herein contained shall be deemed or taken to make void any custom, usage, contract, covenant, or agreement, between landlord and tenant, touching or concerning the keeping in repair such pavement. Contracts between landlord and tenant not vacated.

L. Provided also, That nothing in this act shall be construed to restrain the power of such court-leets, but that no person shall be punished twice for the same offence. Proviso.

LI. *And, for defraying the charges and expences of paving and repairing the said streets and lanes, or any of them, and of cleansing, lighting, and watching the same, and all other streets, lanes, courts, yards, and other places aforesaid, and for preventing annoyances and encroachments therein, and for other the purposes of this act; be it further enacted by the authority aforesaid, That from and after* The rate.
the

the passing of this act, one or more rate or rates, assessment or assessments, shall twice in every year, or oftener, if it shall be thought needful by the said commissioners, or any five or more of them, be made, laid, and assessed, by the said commissioners, or any five or more of them, within their respective divisions, of and upon all and every person and persons, who do or shall inhabit, hold, or occupy any land, house, shop, warehouse, cellar, vault, or other tenement, within the said streets and lanes respectively, herein before directed and appointed to be in the first place paved; and upon all and every person and persons who do or shall inhabit, hold, or occupy, any land, house, shop, warehouse, cellar, vault, or other tenement, within all other streets, lanes, and places, comprized within this act, when and so soon as the same shall respectively be begun to be paved by virtue of this act, in such competent sum and sums of money, as the said commissioners, or any five or more of them, shall yearly, and every year, order and direct; so as such rates or assessments, do not exceed in the whole, the sum of two shillings in the pound, in any one year, of the yearly rent of such lands, houses, shops, warehouses, cellars, vaults, and other tenements, within the said streets and lanes respectively; nor more than one half part of such rates or assessments, in any one year, of such yearly rent, within all wharfs; and the said courts, yards, alleys, passages, and places, as aforesaid, inns, and livery stables, the entrances or gateways only of which said inns and livery stables, are in the said streets or lanes respectively.

Certain streets may be lighted, watched, and cleaned, forthwith.

LII. *And whereas the paving of the said streets, lanes, and places, will necessarily require a course of time to compleat the same; and whereas it may be found necessary forthwith to light, watch, and cleanse, the high street, from the south end of London Bridge, to the stones end in Blackman Street, Church Lane, Kent Street, and White Street; and also from the west end of Tooley Street to the east end thereof; and also the several other streets, lanes, and places, lying within the said parish of Saint Olave; and also from the north end of Bermondsey Street, and through Bermondsey Street to the Hand and Marygold, at the south end thereof; and also the several other courts, yards, alleys, passages, and places, immediately communicating with or adjoining to the same; be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, within their respective districts, to make a rate or rates, twice or oftener in every year, as it shall be found necessary, upon all and every person and persons who do or shall inhabit, hold, occupy, or enjoy, any land, house, shop, warehouse, cellar, vault, wharf, or other building or tenement, dead wall, or void space of ground, within or communicating with the said last mentioned parish, streets, and places respectively, in such competent sum and sums of money as they the said commissioners, or any five or more of them, shall think sufficient; and shall and may apply the same in cleaning,*

caning, watching, and lighting, the same streets, lanes, and
aces respectively, under the powers and authority of this act,
though the same shall not be begun to be paved by virtue of
his act.

LIII. Provided always, That such rate or rates shall not ex- Rates not to
ceed two shillings in the pound in any one year, of the yearly exceed 2s. in
rent of such lands, houses, shops, warehouses, cellars, vaults, the pound.
harbs, or other buildings, tenements, dead walls, or void
aces of ground.

LIV. And be it further enacted by the authority aforesaid, Commissioners
that if at any time hereafter two thirds of the householders watch, and
within any street, lane, or place, comprized within this act, light, any
shall apply by petition to the said commissioners, or any five or street, on
more of them, at any of their meetings within their respec- application of
tive divisions, desiring to have such street, lane, or place, clean- two thirds of
ly, watched, and lighted, under the powers of this act; then the inhabi-
shall and may be lawful for the said commissioners, or any tants.
ve or more of them, and they are hereby required to cause the
me to be done, and have hereby power to assess the inhabi-
ants of such street or place respectively, in any sum not ex-
ceeding two shillings in the pound, of the rent of the houses,
tenements, or buildings, within such street, lane, or place re-
spectively.

LV. And be it further enacted by the authority aforesaid, Rates to be
that all rates, made by virtue of this act, shall be allowed and signed by two
igned by two justices of the peace acting in and for the said justices.
own or places, who are also hereby impowered and required to Manner of
grant a warrant or warrants for collecting and levying the recovery.
me; and the said rates, after the same shall be so allowed and
igned by the said justices, shall be collected half yearly by such
erson or persons as the said commissioners, or any five or more
f them, shall, by writing under their hands and seals, appoint:
nd if any person or persons shall refuse, neglect, or omit, to
ay the sum or sums of money, which he, she, or they, shall be
ited or assessed, for the space of ten days after personal de-
and made thereof, or demand in writing left at the place of
ode or occupation of such person or persons; then, and in
ery such case, it shall and may be lawful for the said collector
r collectors, and he and they is and are hereby authorized
nd required to levy the sum by distress and sale of the goods
nd chattles of such person or persons so neglecting, refusing,
r omitting, to pay the same: and in case no such goods or
attles can be found to be so distrained; or in case such goods
nd chattles shall be locked up or secured, or removed from
ie said collector or collectors, so that he or they cannot dis-
ain the same; then, and, in either of the said cases, upon in-
ormation thereof given to the said justices, or any two justices
f the peace for the said county or borough, it shall and may
e lawful for such justices, and they are hereby required to com-
it the offender or offenders to the common gaol or house of
rection for the said county or borough, there to remain,

without bail or mainprize, for any time not exceeding the space of one month, or until the payment of such rate or assessment, and reasonable charges occasioned by the non-payment thereof.

Rates on
Wharfs li-
mited.

LVI. Provided always nevertheless, and be it further enacted by the authority aforesaid, That the rates to be assessed upon the inhabitants and occupiers of such wharfs, shall not exceed one half of the rates which shall be assessed upon such lands, houses, shops, warehouses, cellars, vaults, and other tenements, as shall be new paved by virtue of this act.

Where houses
are lett out in
tenements,
owners are to
be assessed,

but tenants
to pay ;

who may
deduct it out
of their rents.

LVII. *And whereas many houses within the said streets and other places are, by the several owners or proprietors thereof, lett out in lodgings or tenements to divers tenants, whereby it will be difficult to rate and assess such houses, or to recover such rates and assessments when made;* for remedy whereof, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, from time to time, and at all times, when they meet to make a rate in pursuance of this act, to rate and assess the owner or owners of such houses or tenements as shall be lett to, or occupied by, two or more tenants ; which rate and assessment shall be paid by one or more of the tenants or occupiers of any part or parts of such houses : and in case any occupier or occupiers of any part of such houses or tenements shall refuse to pay the same ; then, the said rate and assessment shall be levied by distress and sale of the goods of him, her, or them, so refusing to pay the same ; and such occupier or occupiers of such tenements respectively, is and are hereby required and authorized to pay such sum and sums of money, as shall be so rated or assessed on the owner or owners of such houses, in pursuance of this act, and to deduct the same out of the rent thereof ; and the owner or owners, proprietor or proprietors thereof, are hereby required to allow such deductions and payments, upon the receipt of the residue of their rents ; and every such tenant, paying such rate or rates, assessment or assessments, shall be acquitted and discharged for so much money as the said rate or rates, assessment or assessments, shall amount unto, as if the same had been actually paid to such person or persons to whom his, her, or their rent should have been due and payable.

Rates for
houses under
20l. per an-
num, may be
compounded
for.

LVIII. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or any five or more of them, from time to time, to compound with the owner or owners, proprietor or proprietors, of any such houses, or any other houses within the said streets and places, the annual rent or value whereof shall be under twenty pounds, for the rate by this act authorized to be laid upon such houses ; so as in such composition there be not remitted to any such owner or owners, proprietor or proprietors respectively, more than one third of the rate by this act laid upon such houses respectively.

Where houses,
&c. shall be
unoccupied,

LIX. And be it further enacted by the authority aforesaid, That in case it shall so happen, that any of the lands, houses, shops,

shops, warehouses, cellars, vaults, or other tenements, or any part or parts thereof, within the said streets and places, or any or either of them, shall, at any time from and after the making of the said rate or rates, assessment or assessments, be empty, untenanted, or unoccupied; that then, and in every such case, one half of the said rate or rates, assessment or assessments, or the one half of such other rates as may be assessed by virtue of this act, shall be paid by the owner or proprietors of such lands, houses, shops, warehouses, cellars, vaults, or other tenements; and in case of non-payment thereof, such lands, houses, shops, warehouses, vaults, cellars, or other tenements, shall be, and the same are hereby made a security for and chargeable with such arrears.

Owners to be charged only one half of the rates,
and the premises to remain a security.

LX. And, to the end the said rates may be more effectually collected and received, be it further enacted, That all and every tenant or tenants, occupier or occupiers of lands, houses, shops, warehouses, cellars, vaults, or other tenements, are and shall be liable to pay the whole of such rates, when no composition shall have been made as aforesaid, to the receiver or receivers to be appointed by the said commissioners, as herein is directed; and in case of such payment, such tenant or tenants, occupier or occupiers, shall be at liberty, and is and are hereby authorized to deduct and detain out of his, her, or their rent, such proportion of such rates as he, she, or they, shall respectively pay, on account of the several owner or owners, proprietor or proprietors, of such lands, houses, shops, warehouses, cellars, vaults, or other tenements, and shall be hereby saved and kept harmless from any further payment of any such rate or rates, to any person or persons to whom any such rent or rents should or ought to be paid.

Tenants and occupiers to pay the rates.

LXI. And be it further enacted by the authority aforesaid, That where any part or parts of the pavement of the said streets or other places, hath or have been accustomed, or ought to be paved and repaired by any particular parish or parishes, bodies politic or corporate, and not by the owners or occupiers of the houses or other buildings adjoining to the pavement of the said streets and places respectively; the same shall be paved and repaired at the expence of the respective parish or parishes, bodies politic or corporate, by the paviour or pavours contracting with or employed by the said commissioners.

Pavements liable to be repaired by any parish, &c. are to be repaired at their expence by the commissioners pavours;

LXII. Provided always, That it shall and may be lawful for the said commissioners, or any five or more of them, from time to time, to compound and agree for the same with any such parish or parishes, or bodies politic or corporate, for a certain sum of money, by the foot or other measure, as the said commissioners, or any five or more of them, shall think reasonable.

or the commissioners may compound with such parishes, &c. for the same.

LXIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, at their discretion, and they are hereby required, from time to time, to rate and assess, for the purposes of this act, all parish churches, church yards, chapels,

All publick buildings, &c. to be rated by the square yard,

meeting houfes, fchools, warehouses, hospitals, prifons, and all other public buildings whatsoever, and all dead walls, and void fpaces of ground, fuate and being within either of the faid ftreets and other places, at a rate to be fettled by five or more of the faid commiffioners, not exceeding fix pence for every fquare yard belonging to every fuch parifh church, church yard, chapel, meeting houfe, fchool, warehouse, hospital, prifon, and other public buildings whatsoever, dead wall, and void fpace of ground; the rate or rates, affeffment or affeffments, to be made and paid for fuch parifh churches, chapels, and church yards, to be paid by the refpective church or chapel wardens; and the rate or rates, affeffment or affeffments, to be made and paid for fuch meeting houfes, fchools, warehouses, dead walls, and void fpaces of ground, fhall be paid by the owner or owners, proprietor or proprietors, thereof; and the rate or rates, affeffment or affeffments, to be made and paid for fuch hospitals, prifons, and other public buildings, fhall be paid by fuch perfon and perfons, officer and officers, as are now liable to pay for paving, cleanfing, lighting, and watching, the faid ftreets, in refpect of fuch hospital, prifon, or other public building refpectively.

Occupiers quitting without paying rates, may be followed.

LXIV. And be it further enacted by the authority aforefaid, That where any perfon or perfons, who hath or have been rated and affeffed by virtue of this act, fhall quit his, her, or their dwelling-houfe, warehouse, fhop, vault, cellar, or tenement, whereupon fuch rate or affeffment has been made, before he, fhe, or they, fhall have paid the fame, and fhall afterwards refufe to pay the fame when due, and demanded by the perfon or perfons authorized and appointed to collect and receive the fame; that then, and in every fuch cafe, it fhall and may be lawful to and for the faid receiver or receivers, collector or collectors, and every or any of them, by warrant under the hands and feals of any two or more juftices of the peace acting in and for the faid town and places, which warrant the faid juftices are hereby authorized and required to grant, in any place within the faid borough of *Southwark*, or county of *Surrey*; or, out of the limits thereof (fuch warrant being firft backed or counterfigned by fome magiftrate in the county, city, or liberty, where the diftreff is to be made) to diftrain the goods and chattles of fuch perfon or perfons fo neglecting or refufing, and the fame to fell, rendering the overplus, if any fuch fhall be, after deducting the reasonable charges and expences of fuch diftreff and fale, to the owner of fuch goods and chattles demanding the fame.

Perfons paying this rate, exempted.

LXV. And be it further enacted, That all and every perfon or perfons paying the rates and affeffments by this act laid, within the faid ftreets and places refpectively, fhall be, and they, and every of them, is and are hereby exempted and difcharged from the charge and expence of paving, cleanfing, lighting, or watching the faid ftreets, and all other ftreets and places within their refpective parifhes, wherein any part of the faid ftreets, courts, yards, lanes, alleys, and other places refpectively are fuate; and

and also from all penalties which may or might be incurred by reason or means of their neglecting to pave, cleanse, light, or watch the same respectively; any law, statute, or usage, to the contrary notwithstanding.

LXVI. *And whereas provision may have been formerly made by acts of parliament, either for paving, cleansing, lighting, watching, or keeping in repair, the said streets and other places, or some part or parts thereof intended to be paved, cleansed, lighted, watched, and kept in repair, by this act; be it therefore enacted by the authority aforesaid, That as soon as any rate or assessment shall be made, laid, or assessed, by virtue of this act, on the owners or occupiers of any lands, houses, shops, warehouses, cellars, vaults, or other tenements; or on any church or chapel wardens, for and on account of any ground belonging to any church, church yard, or chapel; such owner or occupiers, and such church or chapel wardens respectively, shall be no longer liable to be charged to any rate or assessment for and on account of such lands, houses, shops, warehouses, cellars, vaults, or other tenements; or for or on account of such church, church yard, or chapel, by virtue or in pursuance of such former acts, or any of them.*

Former rates
to cease.

LXVII. *And, for the more effectually putting this act in execution, be it further enacted by the authority aforesaid, That upon and after the first Sunday after the first general meeting of the said commissioners, there shall be paid to the receiver or receivers, collector or collectors, to be nominated and appointed by the said commissioners, or any seven or more of them, at a general meeting assembled, before any cattle or carriage shall be permitted to pass on a Sunday through any or either of the turnpikes here under-mentioned, or through any turnpike to be erected, by virtue of this or any other act or acts of parliament, near the same; videlicet, The turnpike at Symond's Corner, in the parish of Lambeth; or at any gate or gates, turnpike or turnpikes, to be erected between the said place and the stones end in Blackman Street; the turnpike at Newington Butts; any gate or gates, turnpike or turnpikes, to be erected between the road called The New Road, at the end of Kent Street, and Saint George's church; any gate or gates, turnpike or turnpikes, to be erected at or near Star Corner, in the parish of Bermondsey; any gate or gates, turnpike or turnpikes, to be erected between a place called Dock Head and Folly Bridge; the following tolls; videlicet,*

Tolls on Sun-
days.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by six or more horses, the sum of ten pence.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by four horses, the sum of eight pence.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by three or two horses, the sum of six pence.

And for every chaise, chair, calash, or other carriage, drawn by one horse, the sum of threepence.

For every horse, mule, or ass, not drawing, the sum of one penny.

Which said respective sums of money shall and may be demanded and taken in the name of and for a street toll, over and above, and exclusive of, all other tolls which are or shall be authorized to be taken and collected upon or on account of the said roads, or any of them: and the said commissioners, or any five or more of them, are hereby impowered by themselves, or by any person or persons by them, or any five or more of them, thereto authorized at a general meeting, to levy the toll, hereby required to be paid, upon any person or persons who shall, after demand thereof made, neglect or refuse to pay the same as aforesaid, or to deny or hinder any passage through the said turnpikes respectively, until payment thereof; which said toll shall and may be levied by distress of any horse or horses, or other cattle, upon which the toll is by this act imposed, or upon any of the goods and chattles of such person or persons who ought to pay the same; and all such horses, cattle, or goods, may be detained until such toll, with the reasonable charges of such distress shall be paid: and it shall be lawful for the person or persons so distraining, after the space of four days after such distress made or taken, to sell the horse or horses, cattle, goods, or chattles, so distrained, rendering to the owner or owners thereof the overplus upon demand, after satisfaction of the said toll, and the reasonable charges in and about making such distress, keeping, and sale, shall be fully paid and satisfied.

Tolls may be levied by distress, &c.

Distress may be sold after 4 days.

Commissioners may erect turnpikes and toll houses.

LXVIII. And be it further enacted by the authority aforesaid, That it shall be lawful for the said commissioners, or any five or more of them, at a general meeting, if they shall think proper, at any time or times, to cause to be erected any turnpike or turnpikes, at or near the respective places aforesaid, for the purpose of collecting the several and respective tolls hereby made payable; and also to be erected or provided a toll-house at or near each turnpike; and, from time to time, to remove or alter the same, as they the said commissioners, or any five or more of them, shall think expedient.

Turnpikes already erected, may be used for the purposes of this act.

LXIX. Provided always, and be it further enacted and declared by the authority aforesaid, That it shall and may be lawful for the several and respective receivers and collectors, and other persons, to be appointed by virtue of this act, to receive and collect the several tolls hereby made payable; and they are hereby authorized and impowered, for the purposes of this act, without the lett, hindrance, or molestation, of any person or persons whatsoever, to make use of all or any the gates or turnpikes, and toll-houses, already erected, or hereafter to be erected or continued by virtue of any act or acts of parliament, at or near the respective places whereat any toll is hereby authorized to be taken; so as such respective receivers, collectors, or other persons, do in no wise hinder or interrupt the transacting

acting of any business or purpose, for which such turnpikes and toll-houses were respectively erected or provided.

LXX. Provided also, and be it further enacted by the authority aforesaid, That no person or persons shall be liable to pay the said street toll more than once for passing or repassing, at any time or times, on the same *Sunday* as aforesaid, with the same cattle and carriage; but that all and every person and persons, after having paid such toll once as aforesaid, shall, during the remainder of such day, pass toll-free, with respect to the said street toll, with the same cattle and carriage, through the gate or turnpike at which any such toll was paid, upon producing a note or ticket denoting the payment of such toll; which notes or tickets the collectors of the said tolls are hereby required to give *gratis* on receipt of such tolls.

Street tolls to be paid but once a day.

LXXI. And whereas an act was passed in the last session of parliament, intituled, An act for empowering the commissioners for putting in execution the several acts passed for paving, cleaning, and lighting, the squares, streets, and lanes, within the city and liberty of *Westminster*, and parts adjacent, to collect certain tolls on *Sundays*, upon the several roads therein mentioned, and apply the same for the purposes of the said acts: and whereas a street toll is directed by the said act to be taken at the turnpike nearest to *Westminster Bridge*, in the county of *Surrey*; be it therefore further enacted by the authority aforesaid, That all persons having paid the toll granted by the said act, at the said turnpike nearest to *Westminster Bridge*, and producing a ticket denoting the payment thereof, shall be permitted, in the same day, to pass and repass with the same cattle and carriage through the gate or turnpike whereat any toll shall be taken by virtue of this act, at or near *Symond's Corner*, or between the said place and the stones end in *Blackman Street*, without paying any toll authorized by this act to be collected; and all persons having paid the toll by this act granted, at any gate at or near *Symond's Corner* aforesaid, or between that place and the stones end in *Blackman Street* aforesaid, and producing a ticket denoting the payment thereof, shall be permitted to pass and repass on the same day, through any gate or turnpike near *Westminster Bridge*, without paying any toll by the said above mentioned act of last session authorized to be collected; which tickets the respective collectors are hereby required to deliver, on receipt of the toll.

Persons having paid the *Westminster Sunday toll*, exempted from the *Southwark*, &c.

LXXII. Provided always, and it is hereby enacted and declared, That nothing in this act contained, shall extend, or be construed to extend, to give the commissioners for putting this act in execution, any power to collect any toll or tolls upon any carriage or cattle passing to or from the bridge now erecting across the river *Thames*, from *Black Fryars*, in the city of *London*, over or through any of the roads made, or which shall be made, leading thereto; unless such carriages or cattle shall actually come into any of the streets aforesaid, within the powers of this act.

No toll to be taken for going to or from *Black Fryars Bridge*.

Commission-
ers may lease
the tolls.

LXXIII. And be it further enacted by the authority afore-
said, That the said commissioners, or any five or more of them,
at a general meeting, may, and are hereby impowered, upon
ten days notice being given in the *London Gazette*, to lease or
farm, by the year, the tolls by this act granted, or any part or
parts thereof, to any person or persons, at or for the largest
yearly sums that can be got for the same; provided that such
lettings or agreements be made in writing, and signed by the
person or persons taking or farming any such tolls, and by the
commissioners that lett the same, and be not made for more
than three years at a time; and that the money that shall be so
agreed to be paid for the said tolls, shall be made payable, and
shall be paid, to the said commissioners by quarterly payments;
and that the person or persons to whom the same shall be so lett,
shall always pay down one quarter's pay in advance; and if any
letting or agreement for letting the said tolls, or any part or
parts thereof, shall be made, or any default shall be made in
paying the money agreed to be paid, contrary to the true mean-
ing of this act, then every such letting and agreement shall be
void, and the person or persons to whom the said tolls shall be
lett, shall be liable to account for the same, and to have the
same levied and recovered upon and of him and them, in the
same manner as is by this act directed for the accounting for
other monies by the collectors or receivers thereof, and for the
levying and recovering the same upon and of them.

Penalty on
evading the
tolls.

LXXIV. And be it further enacted by the authority afore-
said, That if any person or persons shall forcibly or wilfully go
or pass with any horse, beast, or carriage, through any turnpike
whereat any toll is, by virtue of this act, to be paid, without
paying such toll, or producing a note or ticket as aforesaid at
such turnpike, or shall forge, counterfeit, or alter, or shall de-
liver to, or receive from, any other person or persons, any note
or ticket, with an intent to avoid the payment of any or either
of the said tolls, or any part thereof; every person so offend-
ing shall, for every such offence, forfeit and pay the sum of
forty shillings, over and besides such damages and punishments
as they and every of them respectively shall be liable to by law;
and it shall and may be lawful for the said receivers or collectors,
and for every of them, and all other persons by them required
to assist in that respect to seize any horse or horses, cattle or
goods, belonging to, or in the possession, or under the care of,
any person or persons so offending in the premises; and the
same to take before any justice of the peace of the county or
place where such offence or offences shall be committed, and
before him to make complaint of such offence or offences; and
such justice may, and is hereby required to enquire into the
same, as well by examination of the party or parties, as by the
testimony of any credible witness or witnesses upon oath (which
oath such justice is hereby impowered to administer without
fee or reward) and if the said justice shall see cause, to convict
the party or parties complained of in the penalty aforesaid; and
for

for nonpayment thereof, and of the tolls that shall be due (though the same shall not be demanded) by warrant under his hand and seal, to cause the said horse or horses, cattle, or goods, to be sold for payment of the said tolls and penalties, and the charges of seizing and keeping the same, and of such sale, rendering the overplus (if any there shall be) to the owner or owners of the said horse or horses, cattle or goods, or to the person or persons under whose care, or in whose possession, they respectively was or were when so seized as aforesaid; and if no such seizure as aforesaid can or shall be made, then the aforesaid penalty and tolls shall be levied and recovered by such means, and applied in such manner, as is herein after made and provided for the levying and recovering, and application of penalties and forfeitures.

LXXV. And be it further enacted by the authority aforesaid, That the said commissioners, or any nine or more of them, at a general meeting, may, and are hereby impowered to borrow and take up at interest, any sum or sums of money upon the credit of the tolls, payable by virtue of this act; and to assign over the same, or any part or parts thereof, by any writing or writings under their hands and seals, the charges of such assignments and conveyances to be paid out of such tolls respectively, to any person or persons that shall advance or lend their monies thereon, as a security or securities for the several sums that shall be borrowed, and the interest thereof, as aforesaid; and copies of all such assignments and conveyances shall be entered in a book or books to be kept for that purpose, by the clerk or treasurer to the said commissioners; and all and every person and persons, to whom any such assignment shall be made as aforesaid, is and are hereby impowered from time to time, by assignment under his, her, or their hand or hands, to be indorsed on the back of his, her, or their security, or by any other writing or writings under his, her, or their hand and seal, or hands and seals, which shall be executed in the presence of two or more credible witnesses, to assign over or transfer his, her, or their right, to the principal and interest-money thereby secured, to any person or persons whomsoever; all which assignments or transfers shall be produced and notified to the said clerk or treasurer, within thirty days after the date thereof, who shall cause an entry to be made of such assignments, containing the date, names of the parties, and sums of money therein mentioned to be assigned and transferred, in the said book or books to be kept for entering the said original assignments; and which said book or books shall and may, at all reasonable times, be perused and inspected without any fee or reward; and after such entry made, such assignment or transfer shall intitle such assignee, his, her, or their executors, administrators, and assigns, to the benefit thereof and payment thereon; and such assignee may in like manner assign and transfer again, and so *toties quoties*; and it shall not be in the power of any person who shall have made such assignment or transfer, to make void, release or discharge the same, or any monies thereon due.

Commissioners may borrow money on credit of the tolls.

Securities may be transferred.

LXXVI. And

No preference to be given in borrowing money.

LXXVI. And be it further enacted by the authority aforesaid, That no preference shall be given to any person or persons advancing any sum or sums of money upon the credit of this act, in respect of the priority of advancing such sum or sums; but that all persons, to whom any mortgages or assignments shall be made as aforesaid, shall, in proportion to the sum or sums therein mentioned, be creditors in equal degree one with another.

Monies raised, vested in the commissioners, to be applied for the purposes of this act.

LXXVII. And be it further enacted by the authority aforesaid, That all monies raised or collected by virtue of this act, as and upon account or credit of the said tolls, shall be, and the same are hereby vested in the said commissioners at large or in general; and the money to be raised by all other means under the authority of this act shall be, and the same are hereby vested in the said commissioners within the respective divisions where such monies shall arise; and all monies raised or collected by virtue of this act, shall be applied for the purposes of this act, and to and for no other use or purpose whatsoever.

Tolls may be apportioned.

LXXVIII. Provided always, and be it further enacted by the authority aforesaid, That two third parts of the money arising by the said tolls, and of the money to be borrowed upon the credit thereof, shall be applied towards paving the several streets and other carriage ways within the western division; and the remaining one third part, shall be applied towards paving the several streets and other carriage ways within the eastern division; but if at any time, when the pavement of the several streets, and other places hereby directed to be paved within either of the said divisions, shall be completed, and there shall remain any overplus of the said monies appropriated to that division, the same shall be paid over to the commissioners having the care of the other division, if the pavements of the streets and other places within such last mentioned division, are not completed, to be applied towards completing the pavement of the streets and other places hereby directed to be paved within such division.

Expences of passing this act, to be first paid.

LXXIX. Provided always, and be it further enacted by the authority aforesaid, That the charges and expences of procuring and passing this act, shall be paid out of the first monies which shall be raised by virtue of this act.

Balance of money in hand, at receiver's death, to be paid by his executors, &c.

LXXX. And be it further enacted by the authority aforesaid, That if any receiver or receivers shall happen to die before he or they shall have fully paid and satisfied all the money by him or them received by virtue of this act; then, and in every such case, the executors or administrators, executrix or administratrix, or other legal representative or representatives, or person or persons possessing the late estate and effects of every such receiver or receivers, shall, out of such estate or effects, pay the treasurer or treasurers for the time being under this act, all such sums of money by such receiver or receivers so received, and not paid, or so much thereof as the said estate or effects will extend to pay; and the receipt of five or more of the said commissioners shall be a good discharge for such money; and every executor

executor or administrator, or other person as aforesaid, may, to any action or suit commenced or brought against him, her, or them; plead or give in evidence the payment of the same, and shall be allowed payment of the same out of such estate or effects: and in case of nonpayment of the same, by the space of twenty one days after the same shall be demanded, it shall and may be lawful to and for the said treasurer or treasurers for the time being, and he or they is and are hereby directed and required, in his or their own name or names, to commence and bring one or more action or actions in any of his Majesty's courts of record at *Westminster*, against such executors or administrators, or other person or persons as aforesaid, for the recovery of the same.

LXXXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, from time to time, to compound and agree with any person or persons against whom the said commissioners, or any five or more of them, shall bring, or cause to be brought, any action or actions, suit or suits, for any penalty or penalties contained in any contract or contracts already entered into, or hereafter to be entered into, on account of any breach or nonperformance of any such contract or contracts, for such sum or sums of money as they, or any five or more of them, shall think proper; and also to mitigate, compound, or lessen, any other the forfeitures incurred under this act; so as the sum so compounded and agreed for be not less than the injury or damage sustained by the breach or nonperformance of such contract or contracts, and all the costs, charges, and expences, which shall be occasioned thereby; and so as the mitigation of the other forfeitures as aforesaid do not extend to remit above one moiety of the said forfeitures respectively.

Penalties may be mitigated.

LXXXII. Provided always, and be it further enacted by the authority aforesaid, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices of the peace, at any general quarter sessions of the peace to be held for the county or place wherein the cause of complaint shall arise; and within three calendar months after the cause of such complaint shall have arisen, such appellant first giving or causing to be given twenty one days notice at the least in writing of his or her intention to bring such appeal, and of the matter thereof, to the clerk or treasurer to the said commissioners; and, within two days after such notice, entering into recognizance before some justice of the peace for such county or place, with two sufficient sureties, conditioned to try such appeal at, and abide the order of, and to pay such costs as shall be awarded by, the justices at such quarter sessions: and the said justices, at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matter of such appeal in a summary way,

Persons aggrieved may appeal to the quarter sessions.

way, and award such costs to the parties appealing, or appealed against, as they the said justices shall think proper; and the determination of such quarter sessions shall be final, binding, and conclusive, to all intents and purposes.

Penalties and forfeitures how to be recovered and applied.

LXXXIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed, (the manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by distress and sale of the offenders goods and chattles, by warrant under the hand and seal of one justice of the peace, acting in and for the said town and places; which warrant such justice is hereby empowered and required to grant, upon the confession of the party or parties, or upon the information of any one or more credible witness or witnesses, upon oath (which oath such justice is hereby empowered to administer) and the penalties and forfeitures, when recovered, after rendering the overplus (if any be) upon demand, to the party or parties whose goods and chattles shall be so distrained and sold, (the charges of such distress and sale being first deducted) shall be paid to the treasurer to the said commissioners for the time being, and be applied towards the purposes of this act; and in case sufficient distress shall not be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common gaol, or house of correction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor less than fourteen days, unless such penalties and forfeitures, and all reasonable charges, shall be sooner fully paid and satisfied.

Commissioners may reward informers.

LXXXIV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, from time to time, if they shall see cause, to pay and apply such part of the said penalties and forfeitures, or any of them, as they shall think proper, not exceeding one moiety of them, or any of them, to and for the use of the informer or informers, or any of them; any thing herein contained to the contrary notwithstanding.

Commissioners to defray their own expences.

LXXXV. And be it further enacted by the authority aforesaid, That the said commissioners, shall, at all their meetings under this act, pay and defray their own expences.

Distress not to be deemed unlawful for want of form;

LXXXVI. And be it further enacted by the authority aforesaid, That where any distress shall be made for any sum or sums of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distrain-

nor the party distraining to be deemed a trespasser *ab initio*.

ing;

ing; but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

LXXXVII. Provided always, That no plaintiff or plaintiffs shall recover in any action for such irregularity, trespass, or other proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed, or caused to be committed, any such irregularity, trespass, or wrongful proceedings, before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings, or orders, and judgements, shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

LXXXVIII. And be it further enacted by the authority aforesaid, That no nomination, contract, bond, warrant, judgement, or other writing whatsoever, under the hand and seal, or hands and seals, of, or only signed by, any commissioner or commissioners, or justice or justices of the peace, or exhibited before them, or under the hand and seal, or hands and seals, of, or only signed by, any other person or persons whatsoever, relating to the execution of this act, shall be chargeable with any stamp duty whatsoever.

LXXXIX. And be it further enacted by the authority aforesaid, That all orders and proceedings of the said commissioners, at their meetings, shall be entered in a book or books to be kept for that purpose; and such orders and proceedings so entered shall be signed by the clerk or clerks at any meeting of five or more of the said commissioners, assembled as the case shall require, and such orders shall be deemed and taken to be original orders; which said book or books shall and may be produced and read in evidence in all courts whatsoever.

XC. And be it further enacted by the authority aforesaid, That no proceedings to be had touching the conviction of any offender or offenders against this act, or any order made, or other matter or thing to be done or transacted, in or relating to the execution of this act, shall be vacated or quashed for want of form, or be removed by *Certiorari*, or any other writ or process whatsoever into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

XCI. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, until twenty one days notice shall be thereof given in writing to the clerk or treasurer to the said commissioners, or after sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, or after six calendar months next after the fact committed, for which such action or actions, suit or suits, shall

Plaintiff not to recover if tender of amends hath been made.

Writings to be without stamps.

Proceedings to be entered in a book.

Books may be read in evidence.

Proceedings not to be quashed for want of form; nor removable by *Certiorari*.

Limitation of actions,

shall be so brought; and every such action shall be brought, laid, and tried, in the county or place where such matters and things respectively shall be committed or done, and not in any other county or place; and the defendant or defendants in such actions and suits, and every of them, may plead the general issue, and give this act, and the special matter, in evidence at any trial or trials which shall be had thereupon; and that the matter or thing for which such action or actions, suit or suits, shall be so brought, was done in pursuance and by the authority of this act: and if the said matter or thing shall appear to have been so done, or if it shall appear that such action or suit was brought before twenty one days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid; or if any such action or suit shall not be commenced within the time before for that purpose limited, or shall be laid in any other county or place than as aforesaid; then the jury or juries shall find for the defendant or defendants therein: and if a verdict or verdicts shall be found for such defendant or defendants, or if the plaintiff or plaintiffs, in such action or actions, suit or suits, shall become nonsuited, or suffer a discontinuance of such action or actions; or if, upon any demurrer or demurrers in such action or actions, judgement shall be given for the defendant or defendants therein; then, and in either of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her, or their costs, in any other cases by law.

General issue.

Treble costs.

Publick act.

XCII. And be it further enacted by the authority aforesaid, That this act shall be taken and allowed in all courts of justice as a publick act; and all judges, justices, and others, are hereby required to take notice thereof as such, without the same being specially pleaded.

C A P. XXV.

An act for better regulating apprentices, and persons working under contract.

Preamble.

WHEREAS persons employed in several manufactories of this kingdom frequently take apprentices who are very young, and, for several years of their apprenticeships, are rather a burthen than otherwise to their masters: and whereas it frequently happens that such apprentices, when they might be expected to be useful to their masters, absent themselves from their service: and whereas the laws in being are not sufficient to prevent these inconveniencies: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and sixty six, if any apprentice shall absent himself from his master's service before the term of his apprenticeship shall be expired, every such apprentice

Justices im-
powered to
oblige ap-
prentice ab-
senting before

prentice shall, at any time or times thereafter, whenever he shall be found, be compelled to serve his said master for so long a time as he shall have so ablent himself from such service, unless he shall make satisfaction to his master for the loss he shall have sustained by his absence from his service; and so, from time to time, as often as any such apprentice shall, without leave of his master, absent himself from his service before the term of his contract shall be fulfilled: and in case any such apprentice shall refuse to serve as hereby required, or to make such satisfaction to his master, such master may complain, upon oath, to any justice of the peace of the county or place where he shall reside, which oath such justice is hereby impowered to administer, and to issue a warrant under his hand and seal for apprehending any such apprentice; and such justice, upon hearing the complaint, may determine what satisfaction shall be made to such master by such apprentice; and in case such apprentice shall not give security to make such satisfaction according to such determination, it shall and may be lawful for such justice to commit every such apprentice to the house of correction for any time not exceeding three months.

II. Provided always, That nothing in this act contained shall extend to any apprentice, whose master shall have received with such apprentice the sum of ten pounds.

III. Provided also, That no apprentice shall be compelled to serve for any time or term, or to make any satisfaction to any master, after the expiration of seven years next after the end of the term for which such apprentice shall have contracted to serve; any thing herein contained to the contrary notwithstanding.

IV. *And whereas it frequently happens that artificers, callicoe printers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers, and others, who contract with persons for certain terms, do leave their respective services before the terms of their contracts are fulfilled; to the great disappointment and loss of the persons with whom they so contract: for remedy whereof, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and sixty six, if any artificer, callicoe printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall contract with any person whomsoever for any time or term whatsoever, and shall absent himself from his service before the term of his contract shall be completed, or be guilty of any other misdemeanor, that then, and in every such case, it shall and may be lawful for any justice of the peace of the county or place where any such artificer, callicoe printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall be found, and such justice is hereby authorized and impowered, upon complaint thereof made upon oath to him by the person with whom such artificer, callicoe printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other*

expiration of his apprenticeship, to serve for such term as he shall absent,

or to make satisfaction;

except as to apprentices paying 10l. fee.

or where 7 years shall have elapsed.

Justices impowered to grant warrants against artificers and others not fulfilling their contract, or being guilty of any misdemeanor.

and upon conviction to commit the offender.

other person, shall have so contracted, or by his or her steward or agent, which oath such justice is hereby impowered to administer, to issue his warrant for the apprehending every such artificer, callicoe printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that any such artificer, callicoe printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall not have fulfilled such contract, or hath been guilty of any misdemeanor, it shall and may be lawful for such justice to commit every such person to the house of correction for the county or place where such justices shall reside, for any time not exceeding three months, nor less than one month.

Persons aggrieved by the order of a justice (except in cases of commitment) may appeal;

giving notice to the justice, and entering into recognizance, &c.

Justices at the quarter sessions impowered to determine the appeal, and award costs.

Limitation of this act with respect to the stannaries, and city of London.

V. Provided always, That if any person shall think himself aggrieved by such determination, order, or warrant, of any justice of the peace as aforesaid, except an order of commitment, every such person may appeal to the next general quarter sessions of the peace to be held for the county or place where such determination or order shall be made; such person giving six days notice of his intention of bringing such appeal, and of the cause and matter thereof, to such justice of the peace and the parties concerned, and entering into a recognizance within three days after such notice, before some justice of the peace for such county or place, with sufficient surety, conditioned to try such appeal at, and abide the order or judgement of, and pay such costs as shall be awarded by, the justices at such quarter sessions; which said justices, at their said sessions, upon due proof of such notice being given, and of entering into such recognizance as aforesaid, shall and are hereby directed to proceed in, hear, and determine, the causes and matters of all such appeals; and shall give such relief and costs to the parties appealing or appealed against, as they, in their discretion, shall judge proper and reasonable; and their judgements and orders therein shall be final and conclusive to all parties concerned.

VI. Provided also, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Cornwall*, or to impeach or lessen the jurisdiction of the chamberlain of the city of *London*, or of any other court within the said city, touching apprentices.

C A P. XXVI.

An act for the better paving, cleansing, and enlightening, the city of London, and the liberties thereof; and for preventing obstructions and annoyances within the same; and for other purposes therein mentioned.

Preamble reciting acts

WHEREAS the several streets, lanes, squares, yards, courts, alleys, passages, and places, within the city of London and liberties thereof, are in general ill paved and cleansed, and not duly enlightened; and are also greatly obstructed by posts, and annoyed

by signs, spouts, and gutters, projecting into and over the same; and by sundry other encroachments and annoyances, they are red incommodious, and, in some parts, dangerous, not only to inhabitants, but to all others passing through the same, or resort-hereto: and whereas by an act of parliament passed in the twenty first and twenty third years of the reign of the late King Charles second, intituled, An act for the better paving and cleansing streets and sewers in and about the city of London, the sole power and authority of ordering, designing, and regularizing, the cleaning and keeping clean, of all the streets, lanes, and passages, within the said city and liberties, and the pitching and paving, with the same, and the manner thereof, were vested in the mayor, commonalty, and citizens, of the said city, to be managed, executed, and done, by such persons as the mayor, aldermen, and commons, of the said city, in council assembled, should thereunto authorize and appoint, or choose, seven or more of them (being all members of the said court) and in what sort and manner, as from time to time should by them be found convenient for the public benefit of the inhabitants: and whereas by another act passed in the second year of the reign of their late Majesty King William and Queen Mary, certain powers were given, and several revisions made, touching the paving and cleansing the said streets, and the preventing of nuisances or obstructions within the same: and whereas by another act passed in the tenth year of the reign of his late Majesty King George the Second, further powers were given touching the paving and cleansing the said streets, and for erecting and repairing within the same: and whereas by another act passed in the thirty first year of the reign of his said late Majesty King George the Second, certain powers were given to the justices of the said city, touching the repairing and relaying such pavements in the said city as should be maged by the breaking up of the same, to amend or relays any ways: and whereas the good intention of the said last mentioned act have been wholly frustrated, by the ill repairing the frequent breaches made in the said pavements by the several water companies: whereas, notwithstanding the directions of the said acts, the inhabitants of the said city and liberties have, for many years last past, upon themselves the paving and repairing the pavements of the streets, lanes, squares, yards, courts, alleys, passages, and places, upon whom wheresof the same have been, and are, paved in a very irregular and improper manner: and whereas the pavements of the said city and liberties cannot be improved, and kept in good and decent order, and free from nuisances and obstructions, unless some further provisions be made by authority of parliament for that purpose: and whereas by another act of parliament passed in the seventeenth year of the reign of his late Majesty King George the Second, intituled, An act for making effectual provision for enlightening the streets of the city of London, certain rates are directed to be assessed and levied in manner therein mentioned, for defraying the yearly charges of lighting, supplying, and maintaining, such a convenient and sufficient number of glass lamps, within the said city and liberties, as the mayor, aldermen, and commons, of the said city, in common council assembled, should think proper: and whereas several of the powers, and

21 & 23 Car. 2.

2 W. & M.

10 Geo. 2.

31 Geo. 2.

and 17 Geo. 2.

granted by the said last recited act, have been found defective: and whereas the paving, cleansing, and enlightening, the said city and liberties, might be executed with more advantage to the public, if the several powers and authorities relative thereto, were committed to the same, instead of different persons: may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the sole power and authority of pitching, paving, cleansing, and enlightening, the streets, lanes, squares, yards, courts, alleys, passages, and places, within the said city of London, and liberties thereof, shall be, and the same is hereby, vested in the mayor, and commonalty and citizens, of the said city, to be executed by such persons as the mayor, aldermen, and commons, of the said city, in common council assembled, shall, from time to time, by virtue and in pursuance of the said act of the twenty second and twenty third years of the reign of King Charles the Second, authorize and appoint to be commissioners of the sewers for the said city and liberties, or by any seven or more of them; which said persons so to be, from time to time, authorized and appointed commissioners of the sewers for the said city and liberties, shall be, and they are hereby, constituted commissioners for carrying this act into execution.

Power of paving, &c. vested in mayor and commonalty of London.

Recorder and common serjeant shall be commissioners.

7 commissioners to be a quorum.

Commissioners to meet on or before 24 June, 1766.

II. Provided always, and it is hereby further enacted, That the recorder and common serjeant of the said city of London, for the time being, shall be, and they are hereby constituted and appointed two of the commissioners for carrying this act into execution.

III. Provided always, and it is hereby further enacted and declared, That all the powers and authorities by this act granted to, or vested in, the said commissioners hereby constituted as aforesaid, shall and may, from time to time, be exercised by the major part of such of them as shall attend at any public meeting of the said commissioners, to be holden as herein after mentioned; the number of the said commissioners present at such public meeting not being less than seven; and all acts, orders, and proceedings, of the major part of the said commissioners present at such public meeting, shall have the same force and effect as if done or made by all the commissioners constituted by this act.

IV. And it is hereby further declared and enacted, That the first public meeting of the said commissioners, shall be at such time and place as the mayor of the said city shall think proper to order and appoint: and the said mayor is hereby directed to order and appoint such first public meeting to be held on or before the twenty fourth day of June, one thousand seven hundred and sixty six, and to cause the said commissioners to be summoned to attend the same.

V. And it is hereby further enacted and declared, That it shall

shall and may be lawful to and for the major part of the said commissioners present at such first public meeting, or at any subsequent public meeting, of the said commissioners (the number so attending not being less than three) to adjourn such public meeting to any future day and time, and to any place within the said city and liberties.

Power to adjourn,

VI. Provided always, That every commissioner shall have notice to attend at such adjourned public meeting, by the usual summons from the clerk to the said commissioners.

on notice.

VII. Provided also, and it is hereby further enacted and declared, That it shall and may be lawful to and for the mayor of the said city for the time being, from time to time, to appoint a public meeting of the said commissioners, at any time and place he shall judge proper, for the execution of this act, notwithstanding any adjournment or non-adjournment of the said commissioners; and shall cause the said commissioners to be summoned to attend the same.

Mayor may appoint special meetings.

VIII. And it is hereby further enacted, That the said commissioners shall and may, from time to time, at any of their said public meetings, elect and appoint one or more clerk or clerks, and one or more surveyor or surveyors, and also such and so many other officers as they shall find necessary for the due execution of this act (fourteen days notice, of their intention to proceed to such election or appointment, having been first printed and published in two or more of the daily news papers, and notice thereof being also expressed in the summons for such public meeting) and the said commissioners shall take such security as they shall think proper, for the due execution of such respective offices; and shall and may, from time to time, remove any of the said officers at their will and pleasure, and appoint others in the room of such as shall die, or be removed as aforesaid: and the said commissioners shall and may, out of the monies arising or to arise by virtue of this act, appoint and pay such salaries, gratuities, and allowances, as they shall judge reasonable, to such officers, and to all such other persons as shall have been, or shall be, employed in, or aiding and assisting about, the execution of this act.

Commissioners to appoint clerks, &c.

IX. And it is hereby further enacted, That if any clerk, surveyor, or other officer, or servant, who shall be employed by the said commissioners in the execution of this act, or any part thereof, shall exact, demand, take, or accept, any fee, gratuity, or reward whatsoever (other than such salaries, allowances, and rewards, as shall be appointed, allowed, and approved of, by the said commissioners) for or on account of any thing done, or to be done, by virtue of this act; or for forbearing to do any thing hereby, or by the said commissioners, directed to be done, or on any account whatsoever, relative to the execution or non-execution of this act; or shall any way be concerned in interest, in any bargain made or to be made by the said commissioners, for any of the purposes intended by this act; every person so offending, shall from thenceforth for ever be incapable of being

Penalty on exactions of clerks, &c.

employed under this act; and shall, over and above, forfeit and pay the sum of fifty pounds, to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, or within the said city, by action of debt, bill, plaint, or information, to be commenced within six calendar months next after the offence committed; in which action or suit, no protection, essoin, or wager of law, or more than one imparlance, shall be allowed.

Proceedings
to be entered
in books.

X. And it is hereby further enacted, That all the acts, orders, and proceedings, of the said commissioners, at their said public meetings, from time to time, shall be entered in a book or books to be kept for that purpose by the said commissioners, and shall be signed by their clerk for the time being; and such entries shall be deemed and taken to be the original orders and proceedings of the said commissioners, and such book or books shall and may be produced and read in evidence in all courts whatsoever.

Non-freemen
may be em-
ployed.

XI. And it is hereby further enacted, That the said commissioners may, and they are hereby authorized and empowered, from time to time, to employ under them any fit person or persons, whether free of the said city or not, in or about the paving, repairing, keeping in repair, and cleansing, all or any of the said streets, lanes, squares, yards, courts, alleys, passages, and places, within the said city and liberties; and in and about the enlightening of the same; and in and about the several works hereby directed to be performed; and to contract for the performance of the said works, or any of them, with any person or persons whatsoever, in such manner as the said commissioners shall think fit: and that no person or persons who shall be so employed or contracted with, nor any person or persons to be set to work by and under them, or any of them, shall, for any act done, or to be done, in or about any of the works aforesaid, be subject or liable to any action, indictment, or information, upon the statute made in the fifth year of Queen *Elizabeth*, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*; or be liable to be sued for any breach of the custom of *London*, or for any penalties inflicted by any bye-law of the said city.

Notice to be
given of con-
tracts.

XII. Provided always, That, previous to the making of any such contract, notice shall be given in some of the daily news papers, that the said commissioners do intend to make such contract, and that all persons willing to engage therein may make proposals to the said commissioners, at a certain time and place in every such notice to be specified; and all contracts made, or to be made, in consequence of such notice, shall specify the several works to be done, and the price or prices to be paid for the same, and the time or times when the said works are to be compleated, together with the penalties to be incurred in case of the non-performance thereof; and the same shall be signed by the clerk, for the time being, of the said commissioners, as also by the person or persons contracting to perform such works respectively,

respectively, and shall be entered in a book or books to be kept for that purpose by the said commissioners.

XIII. Provided also, and it is hereby further enacted, That No common person, being a member of the court of common council of the said city shall be directly or indirectly interested or concerned in any contract, which shall be made or entered into by, or on behalf of, the said commissioners, for or concerning any of the said works to be carried on or performed in pursuance of this act, or for or concerning any materials to be used or employed therein, upon pain that every such contract shall be null and void; and that the person, who being a member of the said court, and shall be so interested or concerned therein, shall, for every such offence, forfeit and pay the sum of one hundred pounds, to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, to be commenced within six calendar months next after the offence committed; in which action or suit respectively no protection, essoin, or wager of law, or more than one imparlance, shall be allowed; and every person, against whom the said penalty shall be recovered, shall, for ever thereafter, be disabled from being elected a member of the said court of common council.

XIV. And it is hereby further enacted, That the said commissioners may cause all or any of the said streets, lanes, squares, yards, courts, alleys, passages, and places, to be new paved or repaired when, and as often, and in such manner, and with such materials, as the said commissioners shall think fit; and for such purposes may, from time to time, cause to be dug, carted, and carried, out of, or brought into, the same, or any of them, such gravel, stones, and other materials, as they shall judge necessary; and may likewise cause the ground thereof to be raised or lowered, the course of the channels, running in or through the same, to be turned or altered, and the water pipes, which now lie, or hereafter shall be laid, under ground, to be taken up, and new laid in such places, manner, and form, as they the said commissioners shall judge best; and may cause such posts, as they shall think useless or inconvenient; to be taken up and removed; and likewise all steps, bulks, shew glasses, and shew boards, encroaching upon the footways; as also all steps and doors, opening or leading from the footways into vaults or cellars, to be removed or altered.

XV. And be it further enacted by the authority aforesaid, That the said commissioners shall, and they are hereby required, in the first place, to pave and enlighten the great streets from *Temple Bar* to *Whitechapel Bars*; such streets to be paved with the stone known by the name of *wbyn quarry stone*, or with rock stone, or with stone of a flat surface.

XVI. And it is hereby further enacted, That the bar across the carriage way on the north side of the cathedral church of *Saint Paul*, in the said city of *London*, and now belonging to the dean and chapter of the said cathedral church, shall be kept open

employed under this act; and shall, over and above, forfeit and pay the sum of fifty pounds, to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, or within the said city, by action of debt, bill, plaint, or information, to be commenced within six calendar months next after the offence committed; in which action or suit, no protection, essoin, or wager of law, or more than one imparlance, shall be allowed.

Proceedings
to be entered
in books.

X. And it is hereby further enacted, That all the acts, orders, and proceedings, of the said commissioners, at their said public meetings, from time to time, shall be entered in a book or books to be kept for that purpose by the said commissioners, and shall be signed by their clerk for the time being; and such entries shall be deemed and taken to be the original orders and proceedings of the said commissioners, and such book or books shall and may be produced and read in evidence in all courts whatsoever.

Non-freemen
may be em-
ployed.

XI. And it is hereby further enacted, That the said commissioners may, and they are hereby authorized and empowered, from time to time, to employ under them any fit person or persons, whether free of the said city or not, in or about the paving, repairing, keeping in repair, and cleansing, all or any of the said streets, lanes, squares, yards, courts, alleys, passages, and places, within the said city and liberties; and in and about the enlightening of the same; and in and about the several works hereby directed to be performed; and to contract for the performance of the said works, or any of them, with any person or persons whatsoever, in such manner as the said commissioners shall think fit: and that no person or persons who shall be so employed or contracted with, nor any person or persons to be set to work by and under them, or any of them, shall, for any act done, or to be done, in or about any of the works aforesaid, be subject or liable to any action, indictment, or information, upon the statute made in the fifth year of Queen *Elizabeth*, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*; or be liable to be sued for any breach of the custom of *London*, or for any penalties inflicted by any bye-law of the said city.

Notice to be
given of con-
tracts.

XII. Provided always, That, previous to the making of any such contract, notice shall be given in some of the daily news papers, that the said commissioners do intend to make such contract, and that all persons willing to engage therein may make proposals to the said commissioners, at a certain time and place in every such notice to be specified; and all contracts made, or to be made, in consequence of such notice, shall specify the several works to be done, and the price or prices to be paid for the same, and the time or times when the said works are to be compleated, together with the penalties to be incurred in case of the non-performance thereof; and the same shall be signed by the clerk, for the time being, of the said commissioners, as also by the person or persons contracting to perform such works respectively,

respectively, and shall be entered in a book or books to be kept for that purpose by the said commissioners.

XIII. Provided also, and it is hereby further enacted, That no person, being a member of the court of common council of the said city shall be directly or indirectly interested or concerned in any contract, which shall be made or entered into by, or on behalf of, the said commissioners, for or concerning any of the said works to be carried on or performed in pursuance of this act, or for or concerning any materials to be used or employed therein, upon pain that every such contract shall be null and void; and that the person, who being a member of the said court, and shall be so interested or concerned therein, shall, for every such offence, forfeit and pay the sum of one hundred pounds, to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, to be commenced within six calendar months next after the offence committed; in which action or suit respectively no protection, essoin, or wager of law, or more than one imparlance, shall be allowed; and every person, against whom the said penalty shall be recovered, shall, for ever thereafter, be disabled from being elected a member of the said court of common council.

XIV. And it is hereby further enacted, That the said commissioners may cause all or any of the said streets, lanes, squares, yards, courts, alleys, passages, and places, to be new paved or repaired when, and as often, and in such manner, and with such materials, as the said commissioners shall think fit; and for such purposes may, from time to time, cause to be dug, carted, and carried, out of, or brought into, the same, or any of them, such gravel, stones, and other materials, as they shall judge necessary; and may likewise cause the ground thereof to be raised or lowered, the course of the channels, running in or through the same, to be turned or altered, and the water pipes, which now lie, or hereafter shall be laid, under ground, to be taken up, and new laid in such places, manner, and form, as they the said commissioners shall judge best; and may cause such posts, as they shall think useles or inconvenient; to be taken up and removed; and likewise all steps, bulks, shew glasses, and shew boards, encroaching upon the footways; as also all steps and doors, opening or leading from the footways into vaults or cellars, to be removed or altered.

XV. And be it further enacted by the authority aforesaid, That the said commissioners shall, and they are hereby required, in the first place, to pave and enlighten the great streets from *Temple Bar* to *Whitechapel Bars*; such streets to be paved with the stone known by the name of *wbyn quarry stone*, or with rock stone, or with stone of a flat surface.

XVI. And it is hereby further enacted, That the bar across the carriage way on the north side of the cathedral church of *Saint Paul*, in the said city of *London*, and now belonging to the dean and chapter of the said cathedral church, shall be kept open

No common council man shall be concerned in any contract.

General powers.

What streets shall be first paved.

A passage for carriages to be open on the north side of *St. Paul's*, open whilst the

South side is
repairing.

open for the free passage of all horses, coaches, carts, and other carriages whatsoever, during all such time as the new pavement shall be carrying on and making on the south and east sides of the same church in pursuance of this act; and that, when and as soon as such new pavement shall be completed and made passable, it shall be lawful for the said dean and chapter, and their successors, to shut the said bar, and at all times then after to keep the same shut, and the said carriage way stopt, in like manner as the same now is and usually hath been kept shut and stopped; any thing in this act contained to the contrary in any wife notwithstanding.

Power for re-
gulating signs,
&c.

XVII. And it is hereby further enacted, That the said commissioners shall and may cause all signs, or other emblems, used to denote the trade, occupation, or calling of any person or persons, sign posts, sign irons, penthouses, shew boards, spouts, and gutters, projecting into any of the said streets, lanes, squares, yards, courts, alleys, passages, or places, and all other encroachments, projections, and annoyances whatsoever, within the said city or liberties, to be taken down and removed; and shall cause all signs, or other emblems, as aforesaid, shew boards, and gutters, or such parts thereof as they shall think fit, to be affixed or placed on the fronts of the houses, shops, warehouses, or buildings, whereunto they respectively belong, or were before affixed, and not otherwise; and shall return, or cause to be returned, to the respective owners, so much of such signs, or other emblems, sign posts, or other posts, sign irons, shew boards, spouts, and gutters, as shall not be affixed or put up, or otherwise made use of in the alterations directed by this act; and that for the future all signs, sign boards, and gutters, shall be placed or fixed on the fronts of the houses, shops, warehouses, or buildings, to which they respectively belong, and not otherwise: and if any person or persons shall, at any time hereafter, hang, place, erect, or build, any sign, sign post, or other post, sign iron, penthouse, shew board, spout, gutter, or other projection, obstruction, or annoyance, or cause the same to be done contrary to the directions aforesaid, every person so offending shall, for every such offence, forfeit and pay the sum of five pounds, and the further sum of twenty shillings for every day such offence shall continue.

Cranes shall
be kept close
to the walls of
warehouses.

XVIII. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for any person or persons, to keep any crane or cranes already fixed up against any warehouse or warehouses, within the said city or liberties thereof, or to affix any crane or cranes to such warehouse or warehouses, and to make use of such crane or cranes, so as such crane or cranes be turned and kept close to the walls of such warehouse or warehouses, when not in actual use; any thing in this act, or any former law, custom, or statute, to the contrary thereof in any wife notwithstanding.

XIX. And, for the more speedy removal of sundry nuisances and obstructions in the said city and liberties, it is hereby further enacted,

enacted, That if after the said twenty fourth day of *June*, one thousand seven hundred and sixty six, any common stage waggon, shall, for the purpose of loading or unloading the same, or any part thereof, be suffered to stand or continue in any of the said streets, lanes, squares, yards, courts, alleys, passages or places, above the space of one hour at any one time; or if any cart, waggon, dray, or other carriage, shall be placed and suffered to stand athwart or across any such street, lane, square, yard, court, alley, passage, or place, for the loading or unloading thereof, or for any other purpose whatsoever; or if any such cart, waggon, dray, or other carriage, shall be suffered to stand, or continue in any part of any such streets, lanes, squares, yards, courts, alleys, passages, or places, longer than is necessary for the loading or unloading thereof; or if any goods, materials, or things whatsoever, shall be laid or placed, and left in any such street, lane, square, yard, court, alley, passage, or place, so as to obstruct the free passage thereof; then, and in every such case, any one of the commissioners, or any one of their officers, to be by them appointed to remove nuisances, shall and may seize, or cause to be seized, the stage waggon, cart, waggon, dray, or other carriage, so placed, or suffered to stand or continue, contrary to the true meaning of this act, together with the horse or horses thereunto belonging, or the goods, materials, or things, so laid or placed, and left as aforesaid; and remove the same, or cause the same to be removed, to the common pound of the said city, commonly called *The Greenyard*, there to be kept and detained, until the owner or owners thereof, or his, her, or their known servant or servants, shall and do claim the same, and pay to the person or persons in whose custody the same shall then be, the sum of twenty shillings, together with the charges of removing and keeping the same: and in case the same shall not be claimed, and the said sum of twenty shillings and charges paid, within the space of three days next after such seizure, it shall and may be lawful to and for the said commissioners, to cause the same to be appraised and sold, and the monies arising therefrom shall be applied to the purposes of this act.

No waggon shall stand in the streets above one hour.

XX. And it is hereby further enacted, That if any person or persons whatsoever, shall erect or build, or cause to be erected or built, any posts, bars, rails, boards, or other thing, by way of enclosure for the purpose of making mortar, or depositing bricks, lime, or other materials for building or repairing any houses, buildings, or other works, within the said city or liberties, in any other manner, or shall suffer the same to remain for any longer time, than shall be necessary for such building or repairs, and complaint thereof shall be made to the said commissioners, by any two householders of the said city or liberties, and the said commissioners shall upon view, or other due proof of the matter of the said complaint, find the same to be true; then, and in every such case, it shall and may be lawful to and for the said commissioners to cause such enclosure or erection to

Clause to prevent unnecessary erections,

be pulled down and removed, and the materials thereof to be deposited in the greenyard aforesaid; there to be kept and detained until the owner or owners thereof, or his, her, or their known servant or servants, shall and do pay, to the person or persons in whose custody the same shall be, the charges of pulling down and removing the same; and in case the same shall not be claimed, and the said charges paid within the space of eight days next after such seizure thereof, it shall and may be lawful to and for the said commissioners, to order the same to be appraised and sold, and the money arising therefrom shall be applied to the purposes of this act.

and flaking
lime in the
streets.

XXI. And it is hereby further enacted, That no person or persons whatsoever shall flake lime in the foot way or carriage way of any of the said streets, lanes, squares, yards, courts, alleys, passages, or places, or in any house or houses within the same; upon pain that every person so offending, shall, for every such offence, forfeit and pay the sum of forty shillings.

Lime may be
flaked on va-
cant sites.

XXII. Provided always, That where any house or houses shall be totally pulled down in order to be rebuilt, it shall be lawful to flake the lime and make the mortar necessary for such rebuilding, within the premises so to be rebuilt.

Penalty on
driving bar-
rows, &c. on
the foot pave-
ment.

XXIII. And be it further enacted, That if any person or persons shall, for the future, carry, run, drive, draw, or cause to be carried, run, driven, or drawn, on any of the foot pavements, within the said city or liberties, any bier, or any wheel or wheels, sledge, wheelbarrow, or other carriage whatsoever, or shall wilfully ride, lead, or drive, any horse, coach, or other carriage whatsoever, upon any part of the said foot pavements; then, and in any of the said cases, and so often as they or any of them shall happen, it shall and may be lawful to and for any person or persons whatsoever, who shall see any such offence committed, to seize, and also for any other person or persons to assist in seizing, such offender or offenders, and by the authority of this act, and without any other warrant, to convey or deliver him, her, or them into the custody of a peace officer, in order to be secured and conveyed before some justice of the peace of the said city; and the party or parties accused being brought before him, such justice shall proceed to examine, upon oath, any witness or witnesses, who shall appear or be produced to give information touching such offence (which oath the said justice is hereby authorized and required to administer) and if the party or parties accused shall be convicted of any such offence, either by his, her, or their own confession, or upon such information as aforesaid, he, she, or they, so convicted, shall forfeit and pay the sum of ten shillings for the first time of offending; the sum of twenty shillings for the second time of offending; and the sum of forty shillings for the third, and every other time of offending.

Names of
streets to be
put up, and

XXIV. And it is hereby further enacted, That the said commissioners shall and may cause to be painted, engraved, or described, in stone, or otherwise, and to be affixed in a conspicuous part

part of one or more house or houses, building or buildings, at ^{houses num-} or near each end, corner, or entrance, of each of the said streets, ^{bered.} lanes, squares, yards, courts, alleys, passages, or places, the name by which each respective street, lane, square, yard, court, alley, passage, or place, is properly or usually called or known; and may also cause every house, shop, or warehouse, in each of the said streets, lanes, squares, yards, courts, alleys, passages, and places, to be marked or numbered, in such manner as they shall judge most proper for distinguishing the same: and if any person or persons shall wilfully and maliciously destroy, pull down, obliterate, or deface, any such names, descriptions, marks, or numbers, or any part thereof, or cause or procure the same to be done; every person so offending, shall, for every such offence, forfeit and pay the sum of forty shillings.

XXV. And it is hereby further enacted, That no person or ^{Form of the} persons shall, without authority from the said commissioners, ^{pavement not} alter, or cause to be altered, the form of the pavement of the ^{to be altered.} said streets, lanes, squares, yards, courts, alleys, passages, and places, which shall be new paved or repaired by the said commissioners, or in any way incroach thereon; upon pain that every person so offending shall, for every such offence, forfeit and pay the sum of five pounds, over and above the expence of relaying and reinstating the same, according to the directions of the said commissioners; the said forfeitures and expences to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in the name of the said mayor, and commonalty, and citizens, of the said city of *London*, to be commenced within six calendar months next after the commission of such offence; in which action or suit, no protection, essoin, or wager of law, or more than one imparlance, shall be allowed.

XXVI. And it is hereby further enacted, That after the expiration of twelve calendar months next after the passing of this act, if any two housekeepers within the said city and liberties shall make complaint in writing, under their hands, to the said commissioners, of any defect or want of repair in any of the pavements of any of the said streets, lanes, squares, yards, courts, alleys, passages, or places, either before or after the same shall have been new paved or repaired by virtue of this act; then, and in every such case, the said commissioners shall forthwith cause the pavement so complained of to be inspected by their surveyor; and if the same shall, by him, be found defective, and so reported to be, to the said commissioners, upon oath (which oath the said commissioners are hereby empowered to administer, unless such defect shall appear to arise from a defect in some water pipes lying under such pavement) they the said commissioners shall forthwith give orders to their contractor or contractors, paviour or paviours, to repair the same: and if the contractor or paviour of the said commissioners, to whom such order shall be given, shall not, within four days next after the receipt thereof, repair the said defective pavement; then, ^{and}

and in every such case, the said contractor or paviour shall forfeit and pay the sum of twenty shillings for every day that the said defective pavement shall remain unrepaired after the expiration of the said four days.

Method prescribed for taking up pavements when the water pipes are broken.

XXVII. And it is hereby further enacted, That when and so often as any pipe or pipes, belonging to any of the water companies, who furnish any part of the said city and liberties with water, and which now lie, or shall hereafter be laid, under ground, in any of the said streets, lanes, squares, yards, courts, alleys, passages, or places, shall happen to break, burst, or decay, so as to require reparation, the surveyor of the said commissioners for the time being, or such other person or persons as the said commissioners shall appoint for that purpose, shall forthwith give, or cause to be given, notice thereof in writing, to the paviour of the water company to whom he apprehends the said pipe or pipes to belong, who is hereby required to take up the said pavement, and open the ground at or near the place where such reparation shall appear to be wanting: and if the said paviour shall, upon taking up such pavement, and opening such ground, discover that the pipe or pipes so broken, burst, or decayed, does not, or do not, belong to the water company whose paviour he is; then, and in every such case, he shall forthwith give, or cause to be given, notice thereof in writing, to the paviour of the company to whom the said pipe or pipes shall appear to belong; in which case, such last mentioned paviour is hereby required, upon demand, to make satisfaction for the taking up such pavement, and opening such ground, to the paviour giving notice as aforesaid; and the paviour of such water company to whom the said pipe or pipes shall belong, is hereby required to cause or procure the said pipe or pipes to be repaired, and afterwards to fill up the said ground within four days next after such notice to him given; and as soon as such pipe shall have been so repaired, and the ground so filled up, he shall give, or cause to be given, notice thereof in writing, to the paviour or contractor for the time being of the said commissioners: and if the paviour of any of the said water companies, to or for whom such notice shall be given or left at his last place of abode, shall, by the space of four days next after the giving or leaving such notice as aforesaid, refuse or neglect to take up such pavement, and open such ground; or if, upon discovering that the pipe or pipes so broken, burst, or decayed, doth not, or do not, belong to the company whose paviour he is, he shall refuse or neglect to give immediate notice thereof in writing to the paviour of the company to whom the said pipe or pipes doth or do belong; or if the paviour of the water company to whom such pipe or pipes shall belong, shall, by the space of four days next after such notice given to him, or left at his last place of abode, refuse or neglect to cause or procure such pipe or pipes to be amended and repaired, or afterwards to fill up the ground so taken up, or to give such immediate notice of his having so done, to the paviour

viour or contractor of the said commissioners for the time being; then, and in every such case, the person or persons so respectively refusing or neglecting shall, for every such offence, severally forfeit and pay the sum of five pounds: and if any pipe or pipes, not belonging to any of the water companies, shall happen to break, burst, or decay, as aforesaid, in any of the said streets, lanes, squares, yards, courts, alleys, passages, or places; then, and in every such case, the respective owner or owners thereof shall forthwith cause the ground over the same to be opened, and such pipe or pipes to be repaired, and notice thereof in writing to be given to the clerk, for the time being, of the said commissioners; or, in case of refusal or neglect so to do, shall, for every such offence, forfeit and pay the sum of forty shillings: and if any pavement shall be broken or taken up, for the purpose of making, repairing, or altering, any vault, or drain, or for any other purpose whatsoever; then, and in every such case, the person or persons so breaking or taking up the said pavement, or causing the same to be so broken or taken up, shall, as soon as the nature of the work will permit, cause the ground to be filled up, and notice thereof in writing to be given to the clerk, for the time being, of the said commissioners; or in case of refusal or neglect so to do, shall, for every such offence, forfeit and pay the sum of forty shillings: and the said clerk of the said commissioners shall forthwith, upon every such notice, as aforesaid, given to him, or left at his last place of abode, transmit such notice, or cause the same to be transmitted to the paviour or contractor of the said commissioners for the time being; and if the said clerk shall refuse or neglect, by the space of two days next after any such notice as aforesaid given to him, or left at his last place of abode, to transmit such notice, or to cause such notice to be transmitted to the said paviour or contractor for the time being of the said commissioners; or if such paviour or contractor, to whom any such notice as aforesaid, shall be so transmitted, shall by the space of two days next after the transmitting of such notice to him as aforesaid, refuse or neglect to relay and repair the pavement so broken up; then, and in every such case, the person so refusing or neglecting, shall forfeit and pay the sum of twenty shillings, for every day such pavement shall continue unrelayed or unrepaired, after the expiration of the said two days.

XXVIII. And it is hereby further enacted, That the several Paviours of and respective paviours now employed, or hereafter to be employed, by the said water companies respectively, within the said city or liberties thereof, shall, within the space of thirty days next after the passing of this act, or within three days next after they shall be respectively appointed paviours to such company or companies, give notice in writing to the clerk for the time being of the said commissioners, of their respective names and places of abode, and of the name of the respective company whose paviours they are, and of the respective district to which

the water companies to give notice of their names, &c.

which they are appointed : and in like manner, the clerk for the time being of the said commissioners shall, within the respective times aforesaid, give notice to the respective paviours of the said several water companies, of the names and places of abode of the paviour or paviours, contractor or contractors, for the time being, of the said commissioners ; and if any of the said paviours, or the clerk of the said commissioners for the time being, shall neglect to give such notices within the respective times aforesaid, each of them shall, for every such offence, severally forfeit and pay the sum of twenty shillings.

Water companies to pay the expence of new laying pavement, when the pipes are broken, &c.

XXIX. Provided always, and it is hereby further enacted and declared, That the charges and expences of relaying the pavement, which shall be broken or taken up for the purposes of repairing or amending any such pipe or pipes, shall be reimbursed and paid to the said commissioners, or to such person as they shall appoint to receive the same, by the clerk or treasurer for the time being of the respective water companies to whom such pipe or pipes shall belong ; or if the same shall not belong to any of the said water companies, then by the respective owner or owners thereof ; and the charges and expences of relaying the pavement which shall be broken or taken up for the purposes of new making, repairing, altering, cleansing, or emptying, any sewer, drain, or vault, or of making any new or additional grates, or of repairing and altering any old grates, shall be defrayed and paid by and out of some rate or rates, to be made or assessed by virtue or in pursuance of the said act of the twenty second and twenty third years of the reign of King *Charles the Second* ; or by the person or persons who shall take up the said pavement, or any part thereof, or cause the same to be taken up for any of the purposes aforesaid : and if such clerk or treasurer to any of the said water companies, or the respective owner or owners of such pipe or pipes, liable to reimburse and pay such charges and expences, shall refuse or neglect to pay the same within ten days next after demand thereof in writing, signed by the clerk of the said commissioners, and left at their respective dwelling-houses, or last places of abode, together with a bill to be annexed to such demand, containing an account of such charges and expences ; then, and in every such case, the money so expended shall and may be recovered by the said commissioners, of and from the person or persons so liable thereto, by action or actions of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the name of the mayor, and commonalty, and citizens, of the said city of *London*, to be commenced within three calendar months next after such demand respectively ; in which action or suit, no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Expence of alterations in the pipes how to be defrayed.

XXX. Provided nevertheless, and it is hereby further enacted, That if at any time it shall be found necessary for the purposes of new paving, or altering the pavement of any of the said streets, lanes, squares, yards, courts, alleys, passages, or places,

places, to raise, sink, or any otherwise alter, the position of any of the pipes or plugs, laid down or placed by any of the said water companies, or by any other person or persons whatsoever, the charges attending the same shall be paid out of the monies arising or to arise by virtue of this act.

XXXI. And, for the more easily obtaining of water in cases of fire, it is hereby further enacted, That the several water companies, who shall supply any of the inhabitants of the said city with water, shall from time to time give notice in writing to the said commissioners, of the names and places of abode of their respective turncocks, distinguishing the districts to which they respectively belong; and the said commissioners shall yearly cause to be printed and distributed through every ward within the said city and liberties, to and amongst the several householders within the same, a list of the names and places of abode of the several turncocks of the district or districts within which every such ward respectively shall lie.

Lists of the turncocks to be delivered to householders.

XXXII. And it is hereby further enacted, That the said commissioners shall have full power and authority to cause the said streets to be watered as often as they shall think fit; and also to cause any well or wells to be dug and sunk in such places as they shall think proper; and also any pump or pumps, to be erected in or near such places; and also any pumps now standing for the purpose of watering the said streets, or for any other purpose, to be removed or altered; and to defray the expenses thereof out of the monies to be raised by virtue of, and for the purposes of this act.

Streets may be watered;

and pumps,

XXXIII. And, for the more effectually cleansing, and keeping clean, the said streets, lanes, squares, yards, courts, alleys, passages, and places, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to cause any number of moveable or fixed dust boxes, dust holes, or conveniencies, wherein dust and ashes, or other filth, may be deposited for the scavengers or rakers, to be erected and placed in such parts of the said streets, lanes, squares, yards, courts, alleys, passages, and places, as they shall judge necessary; and all and every the occupier and occupiers of houses or tenements, within the said city and liberties, are hereby required, daily and every day, to cause all their dust, ashes, and other filth, to be deposited in the said dust boxes, dust holes, or other conveniencies, or else to keep the same in their respective houses or tenements, with the appurtenances, until the same shall be removed and carried away by the respective rakers, to be in this behalf appointed; and in case any such occupier of any house or tenement, within the said city or liberties, shall deposit, or cause to be deposited, any ashes, dust, or other filth, in any part of the said streets, lanes, squares, yards, courts, alleys, passages, and places, except in some of the dust holes, dust boxes, or other conveniencies, so to be erected or made as aforesaid; then the person so offending shall, for every such offence, forfeit and pay the sum of ten shillings.

and dust holes, erected.

XXXIV. And

Foot ways to
be cleaned
daily.

XXXIV. And it is hereby further enacted, That every occupier of any house or tenement within the said city and liberties, and (in respect of houses lett to inmates) every house owner shall, once in every day, scrape, sweep, and cleanse, the foot way all along the front of their respective houses or tenements; or cause the same to be scraped, swept, and cleansed; and, in default thereof, shall, for every such offence, forfeit and pay the sum of two shillings.

Lamps, &c.
may be set up.

XXXV. And, for the better enlightening the said streets, lanes, squares, yards courts, alleys, passages, and places, it is hereby further enacted, That it shall and may be lawful to and for the said commissioners, from time to time, to cause such and so many lamps to be set up in such places within the said city, and the liberties thereof, and to be placed in such manner, and at such distances, as they shall judge necessary; and the said commissioners shall order and direct at what time the lights within the same shall be lighted, and how long they shall continue lighted; and shall, from time to time, give such other orders and directions in the premises, as they shall think needful, for the well and sufficient enlightening the said city, and the liberties thereof.

Penalty on
wilfully,

XXXVI. And it is hereby further enacted, That if any person or persons shall wilfully take away, break, or throw down, or damage, any lamp that now is, or hereafter shall be, set up for enlightening any of the said streets, lanes, squares, yards, courts, alleys, passages, and places, or wilfully extinguish the light or lights within the same, or damage the irons or other furniture thereof; it shall and may be lawful to and for any person or persons whatsoever, who shall see such offence committed, to seize, as also for any other person or persons to assist in seizing the offender or offenders, and, by authority of this act, and without any other warrant, to convey him, her, or them, or to deliver him, her or them, into the custody of a peace officer, in order to be secured and conveyed before some justice of the peace of the said city; and such justice shall proceed to examine, upon oath, any witness or witnesses, who shall appear or be produced to give information touching such offence (which oath the said justice is hereby authorized and required to administer) and if the party or parties accused shall be convicted of such offence, either by his, her, or their own confession, or upon such information as aforesaid; he, she, or they, so convicted, shall forfeit and pay the sum of twenty shillings for each lamp so broken, thrown down, or damaged, or for every light so extinguished as aforesaid; and, moreover, shall make full satisfaction to the said commissioners, or to such person as they shall appoint to receive the same, for the damage so by him, her, or them done as aforesaid; and in case such offender or offenders shall not, on conviction, pay such forfeiture, and make such satisfaction as aforesaid, such justice is hereby required to commit him, her, or them, to the *Bridewell* of the said city, there to be kept to hard labour, for any space of time not exceeding one calendar month; and such offender or offenders shall not

not be discharged before the expiration of the time for which he, she, or they, shall be so committed, unless such forfeiture and satisfaction shall be sooner paid and given.

XXXVII. And it is hereby further enacted, That in case any person or persons shall carelessly or accidentally break, throw down, or damage, any of the said lamps, so set up, or hereafter to be set up, as aforesaid, or the irons, or other furniture thereof, and shall not immediately, upon demand, make satisfaction for the damage done thereto; then, and in every such case, it shall and may be lawful to and for any one justice of the peace of the said city, upon complaint to him or them made by one or more credible person or persons, to summon before them the party or parties who shall be complained of for doing such damage as aforesaid; and, upon hearing the allegations and proofs on both sides, or upon the non-appearance of the party or parties so complained of and summoned, to award such sum or sums of money, by way of satisfaction for such damage, as such justice shall think reasonable; and in case of neglect or refusal of the said party or parties to pay such sum or sums of money so awarded, within three days after demand thereof, to cause the same to be levied by distress and sale of his, her, or their goods or chattles, the surplus (if any) arising by such sale, to be paid to him, her, or them.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That the property of the pavements, which, at the time of passing this act, or at any time or times thereafter, shall be within the said city or liberties, and all materials and things used or to be used in or about the making or repairing thereof, shall be, and the same are hereby vested in the said mayor and commonalty, and citizens, of the said city; and the said commissioners are hereby authorized and impowered to bring, or cause to be brought, any action or actions, in the name of the said mayor, and commonalty, and citizens, or to prefer, or order the preferring of, indictments against any person or persons who shall steal, take, or carry away, any or any part of such materials or things: and if any person or persons shall wilfully or maliciously destroy, or otherwise damage or spoil, any of the said materials or things, or any of the works done in pursuance of this act, or any part or parts thereof; every person or persons so offending therein, and being thereof convicted, by the oath or oaths of one or more credible witness or witnesses, before any justice of the peace, shall, for every such offence respectively, forfeit and pay the sum of twenty shillings for the first time of offending; and the sum of forty shillings for the second and every other time of offending.

XXXIX. And be it further enacted by the authority aforesaid, That all lamps which shall be put out by any person or persons, at his or their own private expence, shall, from and after the commencement of this act, be placed in such manner as the said commissioners, appointed to put this act in execution, shall direct.

Rates to be
collected half-
yearly,

XL. And whereas it would be very convenient to the inhabitants of the said city and liberties, if the rates and assessments, necessary for paving, cleansing, and enlightening, the said streets, lanes, squares, yards, courts, alleys, passages, and places, and for preventing annoyances therein, were consolidated and made one joint and general fund, to be collected together; be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty six, one or more rate or rates, assessment or assessments, shall, twice in every year or oftener, as the said commissioners shall, from time to time, think fit to order, be made, laid, and assessed, in the several wards of the said city, by the aldermen, or their deputies respectively, and the major part of the common council men of each ward, upon all and every person and persons who do or shall inhabit, hold, occupy, possess or enjoy, any land, house, shop, warehouse, cellar, vault, or other tenement, within the said several wards, and who, by the laws now in being, are liable to be, and, from time to time, shall be actually rated towards the relief of the poor in the respective parishes where he, she, or they, shall respectively live or reside, for raising such competent sum and sums of money as the said commissioners shall, from time to time judge needful and direct; so as such rates or assessments do not in any one year exceed, in the whole, the sum of one shilling and six pence in the pound of the yearly rents of such of the said lands, houses, shops, warehouses, cellars, vaults, or other tenements or hereditaments respectively, as shall be situate in any street, lane, square, yard, court, alley, passage, or place, actually begun to be new paved by virtue and in pursuance of this act; and one shilling in the pound of the yearly rents of such of the lands, houses, shops, warehouses, cellars, vaults, tenements, or hereditaments respectively, as shall not be so situate; such rates respectively to be from time to time ascertained by the rates at which such respective lands, houses, shops, warehouses, cellars, vaults, or other tenements, or hereditaments, shall be, from time to time, assessed towards the land tax.

and not to ex-
ceed 1 s. 6 d.

and 1 s. in the
pound.

XLI. And whereas several manufactures, trades, occupations, and callings, necessarily take up and require great room, by reason whereof, the persons concerned therein are obliged to pay large rents, and it may be a great and intolerable hardship upon such persons to be rated to the full extent of their respective rents, towards the purposes of this act; and whereas it may be reasonable to excuse some persons from the payment of the aforesaid rates and assessments, in the whole or in part, on account of their poverty: for relief therefore, in such cases, it is hereby further enacted and declared, That in any of the cases aforesaid, any person or persons may apply to the said commissioners, by petition in writing, setting forth the circumstances of his, her, or their case, giving notice to the alderman of the ward wherein such rate or assessment shall have been made, or his deputy; and such petition shall be taken into consideration

sideration by the said commissioners, at their next public meeting, of which the alderman of the ward; or his deputy, shall have especial notice; and if it shall then appear to the said commissioners, upon hearing the said petitioner or petitioners, that the said petitioner or petitioners is or are intitled to relief; it shall and may be lawful to and for the said commissioners, and they are hereby authorized and impowered, to award to the said petitioner or petitioners such relief as they the said commissioners shall think just and reasonable.

Relief for owners of large ware-houses, &c.

XLII. Provided always, That if the alderman, or his deputy, or the major part of the common council men of such ward, shall think such award unjust or unreasonable, or if the party or parties concerned shall think him or herself, or themselves, aggrieved by such award; it shall and may be lawful to and for any of them to appeal from such award to the court of mayor and aldermen of the said city, who shall finally determine whether the said petitioner or petitioners is or are intitled to any and what relief in the premises.

Appeal may be made.

XLIII. And, in order to ascertain the rates and assessments to be made by virtue of this act, be it further enacted by the authority aforesaid, That the several aldermen of the said city, or their respective deputies, shall and may, and they are hereby authorized and impowered, to cause any of the books of assessment of the land tax, within their respective wards, and also any of the books of assessment of the rates towards the relief of the poor, within the respective parishes of the same wards, to be brought before them, and to take copies of such books, or any part thereof, as they shall think fit, without fee or reward: and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to attend the said aldermen, or their deputies, with such book or books, or to permit them to take copies thereof as aforesaid; then, and in every such case, every person who shall so refuse or neglect, shall, for every such offence, forfeit and pay the sum of forty shillings.

Power to examine poor's rates, and land tax books.

XLIV. And it is hereby further enacted, That the alderman, or his deputy, and the major part of the common council men for the time being, in each ward within the said city or liberties, are hereby required to set down in writing, and sign two duplicates of the rates and assessments, which they shall, from time to time, make by virtue of this act for the purposes aforesaid, in which shall be expressed the names of the collectors who shall be appointed to collect the same; one of which duplicates shall, within ten days next after the making thereof, be deposited, by the beadle of the said ward, in the office of the chamberlain of the said city of London, where the same shall remain; and every citizen of London, liable to be rated by virtue of this act, shall and may have free access thereto at all convenient times, and be permitted to inspect the same without fee or reward.

Duplicates of the rates to be made, &c.

XLV. And, to the end that the said several rates and assessments may be fully and completely raised and paid for the purposes

poses aforesaid, it is hereby further enacted, That it shall and may be lawful to and for the alderman, or his deputy, with the major part of the common council men of each ward, at the court of wardmote to be holden upon or near the feast day of Saint *Thomas the Apostle* for the choice of ward officers, to return to the said wardmote the names and places of abode of a competent number of substantial inhabitants of such ward; of whom so many as the said alderman, or his deputy, and the major part of the said common council men, shall think fit and direct, not exceeding half the number of persons so returned, shall be chosen and appointed, at the said wardmote to be collectors of the rates and assessments, which shall be made in pursuance of this act, for one whole year, from the said feast day of Saint *Thomas the Apostle* to the same feast day then next following, and so yearly, and from year to year: and the said collectors for the time being are hereby authorized and required, in the respective wards for which they shall be so chosen collectors, to collect and receive, from time to time, such rates, assessments, and sums of money, as shall be due and payable by virtue of this act, of and from all persons liable to pay the same; and all persons who by virtue of this act shall be charged therewith; or be liable thereunto, are hereby required to pay such rates or assessments unto such respective collectors for the time being accordingly; such collectors, from time to time, giving receipts for the same *gratis*, if thereunto required, and which they are hereby enjoined to do upon request: and every such collector, who shall be chosen by virtue of this act, shall, at the wardmote at which he shall be so chosen as aforesaid, or within the space of twenty days then next ensuing, before the alderman of the ward for which he shall be so chosen collector, or his deputy, take and subscribe the following oath; or, being one of the people called *Quakers*, make and subscribe the following solemn affirmation, for the true and faithful execution of the said office.

Collectors to
be chosen an-
nually:

Their oath.

I A. B. do swear (or solemnly affirm) that I will, according to the best of my skill and knowledge, well and truly perform and execute the office of a collector, within the ward of according to the directions and true intent of an act made in the sixth year of the reign of his majesty King George the Third, intituled, An act for the better paving, cleansing, and enlightening the city of London, and the liberties thereof, and for preventing obstructions and annoyances within the same, and for other purposes therein mentioned.

50 l. penalty
on refusing to
serve.

Which oath, or affirmation, shall be administered, without fee or reward, by the alderman of each respective ward for the time being, or his deputy: and if any collector, chosen in pursuance of this act, shall refuse or neglect to take the said oath, or (being one of the persons called *Quakers*) to make the said affirmation, or to take upon himself the said office, or, after

fter having taken upon himself the said office, shall refuse or neglect to serve and execute the same, according to the true intent and meaning of this act; he shall, for every such refusal or neglect, forfeit and pay the sum of fifty pounds; and shall, nevertheless, continue liable to be chosen into the said office again the year following, or at any other time; and shall be liable to the like penalty, so often as he shall thereupon refuse or neglect to take upon him and duly to execute the same.

XLVI. And it is hereby further enacted, That when and so often as any person shall refuse or neglect to take upon himself the said office, or to execute the same, when chosen, or shall refuse, or remove out of the ward, in and for which he shall be chosen and appointed, before he has finished his collection, or in every or any such case, it shall and may be lawful and for the alderman of such ward for the time being, or his deputy, with the major part of the common council men of the said ward, by appointment under their hands and seals, to nominate and appoint some other fit and proper person within such ward, to collect the said rates therein, or such sum and sums of money as shall remain due and unpaid thereof; and if such other person so appointed shall refuse or neglect to take and subscribe the said oath (or being one of the persons called quakers to make the said affirmation) or to serve and execute the said office, then, and in every such last mentioned case, every person so refusing or neglecting, shall be liable to the like penalty of fifty pounds, as if he had been chosen into the said office at the wardmote as aforesaid.

XLVII. Provided always, and it is hereby further enacted, That nothing in this act contained, shall extend or be construed to oblige any person or persons to serve the said office of collector, who, by the laws now in being, is or are exempted from serving any ward office.

XLVIII. And whereas many houses in several of the wards of the said city, are, by the several landlords or owners thereof, lett out in lodgings or tenements to divers tenants, whereby it will be difficult to rate or assess the said tenants in respect of such houses, or to recover such rates and assessments when made; for remedy thereof, it is enacted, That from and after the said twenty ninth day of September, one thousand seven hundred and sixty six, it shall and may be lawful to and for the alderman of each respective ward, or his deputy, with the major part of the common council men of the said ward, from time to time to rate and assess, in every such rate and assessment as aforesaid, the owner or owners of all such houses or tenements as shall be so lett to, or occupied by, two or more tenants, which rate or assessment shall be paid by the occupier or occupiers of any part or parts of such houses or tenements; and such occupier or occupiers of such houses or tenements, is and are hereby authorized and required to pay each such sum and sums of money as shall be so rated or assessed upon the owner or owners thereof, being duly demanded of

In case of death, or such refusal, the alderman may appoint others, under like penalty.

Persons exempted.

Inmates to pay the rates,

and deduct
the same out
of their rents.

such occupier or occupiers, and to deduct the same out of his, her, or their respective rents; and the landlord, or owner or owners of such houses or tenements is and are hereby required to allow such deductions and payments, upon the receipt of the residue of his, her, or their rents; and every such occupier paying such assessment or assessments, shall be acquitted and discharged for so much of his or her rent, as the said assessment or assessments so paid by him or her shall amount unto, as if the same had been actually paid to the person or persons to whom his or her rent shall be due and payable; and in default of payment of the said rate or rates, assessment or assessments, the same shall be and remain a charge upon the said premises, and shall and may be recovered of and from the landlord or landlords, owner or owners thereof respectively, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or within the said city, to be commenced and prosecuted by such collector or collectors; in which action or suit, no protection, essoin, or wager of law, or more than one imparlance shall be allowed.

Public build-
ings, &c. may
be rated at
4 d. per square
yard;

XLIX. *And forasmuch as it is reasonable, that all publick build-ings (hospitals excepted) and all dead walls and void spaces of ground, should be rated and assessed in a due proportion, towards the paving, cleansing, and enlightening the said city, and the liberties thereof; it is hereby further enacted, That it shall and may be lawful to and for the alderman of each ward within the said city and liberties, or his deputy, with the major part of his common council men, at his and their discretions, and they are hereby required at such times as the rates and assessments hereby directed to be made shall, from time to time, be made, to rate and assess, towards the purposes of this act, all parish churches, church yards, chapels, and other publick buildings whatsoever, not charged to the land tax, and all void spaces of ground, situate, lying and being within their ward (other than and except the cathedral church of Saint Paul in London, and the church yards and ground within the iron rails encompassing the said cathedral church) at such rate as the said alderman or his deputy, with the major part of his common council men, shall judge reasonable for every square yard of such churches, church yards, chapels, and publick buildings, and void spaces of ground, not exceeding the rate of four pence per square yard; and also to rate and assess all dead walls within their wards, towards the purposes aforesaid, at such rate as the said alderman, or his deputy, with the major part of his common council men, shall judge reasonable, for every yard, running measure, of such dead walls, not exceeding the rate of six pence per yard; and such rate or rates, assessment or assessments, so to be, from time to time, made upon any parish church, church yard, or chapel, to be paid by their respective church or chapel wardens.*

and dead
walls at 6 d.
per yard run-
ning measure.

St. Paul's
church, &c.
how to be
rated.

L. *And whereas the pavement lying between the fence of the church yard belonging to the cathedral church of Saint Paul, in the said city of London, and the channels of the several streets and ways*

ways adjoining to and surrounding the said church, contains two thousand two hundred and forty square yards; and the charge and expence of repairing, cleansing, and enlightening the same, is now paid out of the interest and yearly produce of the surplus money of certain duties in coal, granted by divers acts of parliament, and vested in the lord webbisshop of Canterbury, lord bishop of London, and lord mayor of the city of London, for the time being; be it hereby further enacted, That it shall be lawful to and for the alderman of Castle Baynard Ward, or his deputy, with the major part of his common council men, at his or their discretions, and they are hereby required, when, and at such times as the rates and assessments hereby directed to be made, shall, from time to time, be made, to rate and assess the said cathedral church towards the purposes of this act, at such rate as the said alderman or his deputy, with the major part of his common council men, shall judge reasonable, not exceeding the rate of one shilling and three pence by the year for every square yard of the said pavement now kept in repair out of the interest of such trust monies as aforesaid; and that such rates or assessments so to be from time to time made on the said cathedral church as aforesaid, shall be paid by the lord archbishop of Canterbury, lord bishop of London, and lord mayor of the said city of London, for the time being, out of the interest and produce of the said surplus money so vested in them upon the trusts and for the purposes aforesaid.

LI. Provided always, and it is hereby further enacted, That no person or persons shall, in respect of any wharf, or of any warehouse, vault, or cellar, upon any wharf, be rated or assessed, or be liable to pay, more than two thirds of the rates or assessments herein before directed to be rated and assessed on lands, houses, shops, warehouses, cellars, vaults, and other tenements, within the several wards of the said city of London; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Wharfs, &c.
not to pay
more than
two thirds of
the rates.

LII. *And whereas several meeting-houses within the said city and liberties are uninhabited and unoccupied, except at and during the times of publick worship, whereby it will be difficult to rate and assess the same towards the purposes of this act, and to recover the rate and assessment thereon when made; for remedy thereof, it is hereby further enacted and declared, That the rate or rates, assessment or assessments, so to be, from time to time, made upon any meeting-house within the said city or liberties, shall and may be demanded of the minister and deacons, or other person usually officiating therein; and such minister and deacons, or other person, is and are hereby required to pay the same, upon demand, to the collector or collectors of the said rates and assessments for the time being, by whom the same shall be so demanded: and if such minister, deacon, or other person, of whom such rate or rates, assessment or assessments, shall be so demanded, shall refuse or neglect to pay the same, upon such demand; then, and in every such case, such rate or*

How meeting-
houses, &c.
shall be rated.

rates, assessment or assessments, shall and may be recovered of and from the person or persons so required to pay the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or within the said city; to be commenced and prosecuted in the name or names of the collector or collectors who shall have so demanded the same; in which action or suit no essoin, protection, or wager of law, or more than one imparlance, shall be allowed: and in default of payment of such rate or rates, assessment or assessments, the same shall be and remain a charge upon such meeting-house, and be paid by the landlord or owner thereof respectively; and such rate or rates, assessment or assessments, so to be, from time to time, made upon any publick building, not being an hospital, or upon any dead wall or void space of ground, shall be paid by the respective owner or owners, proprietor or proprietors thereof: and in case the owner or owners, proprietor or proprietors, of any such void space of ground shall not be known, or cannot be found; then the said rate or rates, assessment or assessments, to be thereon made, shall be advanced by the chamberlain of the city of *London* for the time being out of the cash of the said city in his hands; and the said ground shall be and remain a security to the said chamberlain and his successors, for repayment of all rates so to be by him advanced.

Unoccupied houses, &c. how to be rated.

LIII. And it is hereby further enacted, That if it shall happen that any of the lands, houses, shops, warehouses, cellars, vaults, or other tenements, within the said city and liberties, shall, at the time of making any of the said rates or assessments, be empty, untenanted, or unoccupied; then, and in every such case, it shall and may be lawful to and for the alderman of the ward where such premises shall lie, or his deputy, with the major part of the common council men of the said ward, to rate and assess the said premises; and in such case, as well as in case the said premises shall, after the making of such rate or rates, assessment or assessments, become empty, untenanted, or unoccupied, one half of such rate or assessment shall be a charge on such premises respectively, and be paid by the first tenant or occupier thereof, who shall and may, and is hereby authorized, to deduct and detain the same out of his or her rent; and the landlord, or owner or owners, of such premises, is and are hereby required to allow such deduction and payment, upon the receipt of the residue of his, her, or their respective rents; and the said tenant or occupier shall be, and is hereby, acquitted and discharged of and for so much of his or her rent, as the rate or assessment so paid by him or her shall amount unto.

Collector to distrain in case of non-payment.

LIV. And it is hereby further enacted and declared, That if any person or persons, who shall be rated or assessed by virtue or in pursuance of this act, shall, by the space of ten days next after his, her, or their respective rate or rates, assessment or assessments, shall be due, and demanded by the collector or collectors

lectors authorized and appointed to collect and receive the same (such demand being either personally made to the respective person or persons so charged, or left in writing at his, her, or their respective house or houses, or place or places of abode) then, and in every such case, it shall and may be lawful to and for such collector or collectors, every or any of them, having a warrant or warrants under the hand and seal of any justice of the peace of the said city (which warrant or warrants the said collector and collectors is and are hereby required to apply for, and the justice so applied to, is hereby authorized and required to grant) and, with the assistance of a constable, or other peace officer of the ward, county, city, or liberty, where the person or persons so refusing or neglecting shall reside, to enter his, her, or their house or houses, apartment or apartments, and then and there to distrain his, her, or their goods and chattles; and if the same shall not be replevied, or such rate or assessment paid, within five days next after such distress made, together with the costs and charges thereof, then to appraise and sell so much and such part of the said goods and chattles as shall be sufficient to pay the said rate or assessment, with the costs and charges attending such distress and sale, returning the overplus (if any) to the owner or owners of such goods or chattles (the said costs and charges to be settled and allowed by the justice who shall have granted such warrant or warrants respectively.)

LV. Provided always, That no such distress shall, by virtue of this act, be made out of the limits of the said city and liberties thereof, unless such warrant or warrants respectively shall be first backed or counter-signed by some magistrate of the county, city, or liberty, where such distress is proposed to be made; which warrant or warrants any magistrate, who shall be applied to for that purpose, shall forthwith back or counter-sign, without fee or reward.

If distress followed, warrant to be backed.

LVI. And it is hereby further enacted, That if any such collector or collectors shall refuse or neglect to apply for such warrant or warrants as aforesaid, or to make such distress and sale pursuant to the directions of this act, except in cases where such distress shall be dispensed with by the alderman, or his deputy, and the major part of the common council men of each respective ward, by writing under their hands, in respect of the poverty of the party or parties assessed, such collector or collectors shall, for every such refusal or neglect, forfeit and pay the sum of five pounds: and if any justice of the said city, upon such application to him made for such warrant or warrants as aforesaid, shall refuse or neglect to grant the same, such justice shall, for every such refusal or neglect, forfeit and pay the sum of five pounds: and if any constable, being called upon by any collector or collectors, having such warrant or warrants, shall refuse or neglect to aid and assist him or them in making such distress and sale, he shall, for every such offence, forfeit and pay the sum of forty shillings.

Penalty on neglect of granting, or executing, such warrants.

Agreement
betwixt land-
lord and ten-
nant, not
vacated.

LVII. Provided always, and it is hereby further enacted, That nothing in this act contained shall be deemed or taken to make void any contract, covenant, or agreement, between landlord and tenant, touching or concerning the paving, cleansing, or enlightening, any, or any part of any, of the said streets, lanes, squares, yards, courts, alleys, passages, and places, within the said city and liberties; but that every such landlord who is now, by virtue of any such contract or agreement, obliged to pave, keep in repair, cleanse, or enlighten, any part thereof, shall, in lieu thereof, pay or allow unto his, her, or their respective tenant or tenants, the rate or rates to be rated or assessed on such tenant or tenants respectively, or so much thereof as shall be just and reasonable, according to the true meaning of such contract, covenant, or agreement, for and during such time as such contract, covenant, or agreement, shall remain in force; and in case any dispute shall arise concerning such contract, covenant, or agreement, the said court of mayor and aldermen shall have power to hear and finally to determine the same.

Freemen, not
paying the
rates, inca-
pable of vot-
ing.

LVIII. And, for the more effectual enforcing the payment of the said rates and assessments for the purposes aforesaid, it is hereby further enacted by the authority aforesaid, That if any freeman of *London*, liable to pay the said rates and assessments, or any re-assessments which shall and may be made in cases herein after mentioned, shall have neglected or refused to pay the same, or any part thereof, after such demand as aforesaid; or if any such freeman shall, for or in respect of poverty or inability, have desired to be excused, and accordingly shall have been excused, from paying any such rate, assessment, or re-assessment; then, and in such case, every such freeman shall be under the same incapacity of voting at elections within the city of *London*, as any person or persons now is or are, who do not pay their scot or lot to any of the yearly rates and assessments, to which the citizens of *London* are at this time, or shall hereafter become, liable.

Persons ag-
grieved may
appeal.

LIX. Provided always, and it is hereby declared and enacted, That any person or persons who shall think him, or herself, or themselves, aggrieved, by any rate or assessment to be made by virtue or in pursuance of this act, may, within the space of thirty days next after such rate and assessment shall have been demanded as aforesaid, appeal to the said commissioners, and they are hereby authorized and required forthwith to appoint a day for hearing such appeal; and the party or parties, so appealing, shall give three days notice, at the least, of the day so appointed, to the alderman of the ward in which the said assessment shall have been made, or to his deputy: and such notice having been given, the said commissioners shall and may, upon the day so appointed, proceed to hear and determine such appeal, and their determination shall be final; and no fees shall be paid on the making, hearing, or determining, of such appeal.

LX. Provided also, and it is hereby further enacted and declared, That if the alderman of any ward within the said city of *London*, or his deputy, with the major part of the common council men of the said ward, shall, at any time or times hereafter, in any rates or assessments by them to be made, by virtue or in pursuance of this act, neglect or omit to rate or assess any person or persons liable to such rates or assessments, or shall neglect or omit to rate or assess any lands, tenements, or hereditaments, or the inhabitants or occupiers thereof, within their ward, in proportion to the yearly rent of such lands, tenements, or hereditaments respectively, as the same shall be ascertained and rated in the rate or assessment towards the land tax; then, and in every such case, upon complaint thereof made, by any inhabitant of the said city, to the said commissioners, they are hereby authorized and required forthwith to appoint a day for hearing such complaint; and the party or parties complaining shall give three days notice at the least of the day so appointed, to the alderman of the ward to which such complaint shall relate, or to his deputy; and such notice having been given, the said commissioners shall and may proceed to hear and determine such complaint; and, for that purpose, shall and may summon witnesses before them, and examine such witnesses upon oath (which oath the said commissioners are hereby authorized and empowered to administer;) and if the said commissioners shall judge the matter of such complaint to be true, they shall make such alterations in the said rate or assessment as shall be just.

Commissioners to hear and determine complaints of inhabitants.

LXI. And it is hereby further enacted, That every collector of the rates and assessments aforesaid shall, from time to time, pay the monies arising therefrom, as he shall receive the same, to the chamberlain of the said city of *London* for the time being; and upon every such payment, the said chamberlain, or one of his clerks, shall, without fee or reward, sign and give receipts in writing to such collector, expressing his name, the sum paid, and the name of the ward to which the said collector shall belong; and if such collector shall, at any time, keep and retain in his hands, of the monies so to be collected by him, the sum of twenty pounds, or upwards, above two days (the chamber of *London* being, within that time, open to receive the same) then, and so often, such collector shall forfeit and pay the sum of ten shillings for every day he shall retain the said sum of twenty pounds, or upwards, beyond the said two days.

Money collected to be paid into the chamberlain's office.

LXII. And it is hereby further enacted by the authority aforesaid, That every collector to be appointed by virtue or in pursuance of this act, shall, upon three days notice in writing given to, or left for, him at his usual place of abode, by the alderman of the ward to which such collector shall belong, or his deputy, to attend the said alderman, or his deputy, at such time and place, within their ward, as he shall appoint; and then and there, if required, deliver in to him, upon oath (or if such collector shall be a *Quaker*, then upon his solemn affirmation, which

Collector upon demand, to give in an account of all monies collected.

which oath or affirmation, such alderman, or deputy, is hereby impowered to administer) a true, exact, and perfect account in writing, under the hand of such collector, of all sums of money which he shall then have received by reason of his said office; and also a true list of the names of all persons within his ward, who shall have refused or neglected to pay his, her, or their said rates or assessments, with a true account of the several sums of money which such persons shall respectively be in arrear, to the intent that the same may be speedily got in and recovered: and if any collector, after such notice given, shall refuse or neglect to attend, or deliver in his accounts as aforesaid, or to produce and deliver in the vouchers relating to the same, or to account for any sum or sums of money by him collected or received, and to pay the same, and every part thereof, as is herein above directed; then, and in every such case, such collector shall, for every such refusal or neglect, forfeit and pay such sum of money as the rates and assessments, which he shall have been entrusted or authorized to collect, shall amount unto, after deducting the amount of the sum or sums by him actually paid to the chamberlain of the said city for the time being; which forfeiture shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, to be commenced and prosecuted in the name of the said mayor, and commonalty, and citizens, of the said city; in which action or suit such collector shall be held to special bail, and no esoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Penalty on refusal to account, or make payment.

LXIII. Provided always, and it is hereby further enacted and declared, That if any collector or collectors of the said rates and assessments, shall have in his or their hands any of the said rates or assessments collected by him or them, and shall refuse to account for and pay the same as aforesaid, the alderman of the ward to which such collector or collectors shall belong, is hereby authorized and required, by warrant under his hand and seal, to cause such collector or collectors to be brought before him, to hear and determine the matter of such complaint in a summary way; and if, upon the confession of such collector or collectors, or the testimony of any credible witness or witnesses, upon oath (which oath such alderman is hereby impowered and required to administer) it shall appear to him that any of the monies which shall have been collected and raised by virtue of this act, shall then be in the hands of such collector or collectors, and that he or they refuseth or refuse to pay the same according to the true intent and meaning of this act, the said alderman is hereby authorized and required, by a warrant or warrants under his hand and seal, to cause such money to be levied by distress and sale of the goods and chattles of such collector or collectors respectively; and if no goods or chattles of such collector or collectors can be found, sufficient to answer and satisfy the said money, and the charges of such distress and sale, then the said alderman may and shall

com-

commit such collector or collectors to one of the compters of the said city, there to be detained and kept without bail or mainprize, until he or they shall pay the same, or such composition as the said commissioners shall agree to accept in full, which composition such commissioners are hereby impowered to make.

LXIV. And it is hereby further enacted, That if any collector or collectors shall happen to die, or to become bankrupt, before he or they shall have fully paid and satisfied all the money by him or them received by virtue of this act, or such composition for the same as aforesaid; then, and in every such case, the executors or administrators, executrix or administratrix, or other legal representative or representatives of such collector or collectors, or the assignee or assignees of his or their estate and effects, or other person or persons possessing the same, shall, in the first place, out of such estate and effects, pay unto the chamberlain of the said city of *London* for the time being, all such sums of money as were in the hands of such collector or collectors at the time of his or their death, or at the time of suing out any commission of bankruptcy against him or them, or so much thereof as the said estate or effects will extend to pay; and the receipt of the said chamberlain shall be a good discharge for the said money: and every executor or administrator, assignee or assignees, or other person as aforesaid, may, to any action or suit commenced or brought against him or them, plead or give in evidence the payment of the same; and shall be allowed such payment out of the estate or effects of such collector or collectors, prior to any other debt or demand whatsoever: and in case of nonpayment of the same, by the space of one calendar month after the same shall be demanded, it shall and may be lawful to and for the alderman of the said ward, or his deputy, to commence and prosecute one or more action or actions for the same, in the name of the mayor and commonalty and citizens of the said city, in any of his Majesty's courts of record, against such executors or administrators, assignee or assignees, or other person as aforesaid.

LXV. And, to the intent that substantial persons may be chosen but if insolvent, &c.
and appointed collectors in each ward, it is hereby further enacted,

That in case any collector or receiver of the said rates and assessments shall become insolvent, or shall embezzle or make away with, detain or misapply, any sum or sums of money so collected by him for the uses aforesaid, so that the same cannot be recovered; or shall die possessed of any sum or sums of money by him or them collected by virtue of this act, and which shall not be paid by his executors or administrators; then, and in every such case, such sum and sums of money shall be again rated and assessed on the inhabitants of the ward for which such person was chosen and appointed collector, by the alderman of such ward, or his deputy, with the major part of the common council men of the said ward, in such proportion and manner as the rates are directed to be made by this act; and shall be

col-

collected, levied, and distrained, in such manner, and under such penalties, as are herein provided for collecting and levying the rates due and payable by this act.

Chamberlain to pay all sums of money by order of the commissioners, and to make entries.

LXVI. And it is hereby further enacted, That the chamberlain of the said city of *London* for the time being shall and may, and he is hereby authorized and required, out of the monies collected and paid into the chamber of the said city pursuant to this act, to pay all sums of money which the said commissioners shall from time to time draw upon him for, or order him to pay: and the said chamberlain for the time being shall, and he is hereby required, to keep regular and clear entries in a book or books to be for that purpose by him provided and kept, of all and singular his receipts and payments, on account or in pursuance of this act; to which book or books every citizen of *London*, liable to the said rates, shall and may have free access at all convenient times, with full liberty to inspect the same, without fee or reward; and also that the said chamberlain for the time being shall, once in every year, have the said accounts audited and passed by the said commissioners, and shall deliver copies of the said accounts to each house of parliament, within twenty days after the opening of every session.

The present contracts for lighting, &c. the streets, not vacated.

LXVII. *And whereas the contracts for lighting and cleansing the said city and liberties are made to the twenty fifth day of December, one thousand seven hundred and sixty six, but the present rates for defraying the expence thereof are to cease on the twenty ninth day of September, one thousand seven hundred and sixty six;* it is hereby further enacted, That nothing in this act contained shall extend, or be construed to extend, to annul or vacate such contracts, or any of them, but that the same shall continue in force as if this act had never been made; and the charges and expences, payable in respect of the three last months thereof, shall and may be paid out of the monies to be collected by virtue of this present act.

Commissioners may borrow money on credit of the rates.

LXVIII. *And, for the more effectually enabling the said commissioners to execute the purposes of this act in the most expeditious manner,* it is hereby further enacted, That it shall and may be lawful for the said commissioners, and they are hereby empowered from time to time, when they shall judge it necessary for the purposes aforesaid, to borrow and take up at interest any sum or sums of money, not exceeding one hundred thousand pounds, upon the credit of the rates or assessments to be made and payable by virtue of this act; and by any writing or writings upon vellum or parchment, signed by them, to assign the said rates or assessments to any such person or persons who shall advance or lend such money thereon, as a security or securities for the several sums so borrowed, with legal or lower interest for the same; which interest shall be payable and paid half-yearly, by the chamberlain of the said city for the time being, out of the monies to arise by or from the said rates or assessments.

LXIX. *And*

LXIX. *And whereas many persons may chuse to advance money for the purchase of annuities, to be secured upon and payable out of the said rates and assessments,* it is hereby further enacted, That ^{100,000l. may be borrowed} ^{by annuities on lives, at 8l. per cent.} t shall and may be lawful to and for any person or persons to contribute, advance, and pay, into the hands of the said commissioners, for the purposes of this act, any sum or sums of money, not exceeding in the whole the sum of one hundred thousand pounds, for the absolute purchase of one or more annuity or annuities, to be paid and payable during the full term of the natural life of such persons, being of the age of forty five years, or upwards, as shall be nominated by or on the behalf of such respective contributors, at the time of payment of their respective contribution-monies; which annuity or annuities shall not exceed the rate of eight pounds *per centum per annum* for every one hundred pounds, and so in proportion for any greater or lesser sum, to be advanced and paid as aforesaid: all which annuities, so to be purchased, shall be payable and paid, by the said chamberlain of the said city for the time being, out of the monies to arise by or from the said rates and assessments, by four equal quarterly payments; the first payment to be made to the respective purchasers, or their assigns, at the expiration of the first quarter after payment of their respective purchase-monies; the rate whereof shall be settled and adjusted by a public sale of the said annuities, by the said commissioners, to the best bidder for the same.

LXX. And it is hereby further enacted, That the clerk of the said commissioners for the time being shall enter in a book or books, to be for that purpose provided and kept by the said commissioners, all securities for monies borrowed, or annuities granted, by virtue or in pursuance of this act, and all assignments or transfers thereof; expressing in words at length the names, surnames, additions, places of abode, and other descriptions, of all such persons as shall, from time to time, be intitled to such securities, and the sums received upon such securities; and also the names, surnames, additions, places of abode, and other descriptions, of the persons for whose lives the said annuities shall be respectively granted, and the days whereon the said annuities shall respectively be payable; to which book and books the person and persons intitled to and possessed of such annuities, and all and every the person or persons liable to the payment of the said rates and assessments, shall, at all reasonable times, have access, with free liberty to inspect the same, without fee or reward.

Clerk to enter all securities.

LXXI. And it is hereby further enacted, That all and every person and persons who shall purchase such annuity or annuities, and shall duly pay the purchase-monies for the same, at the rates aforesaid, and his, her, or their respective executors, administrators, and assigns, shall have, receive, and enjoy, the respective annuity or annuities so purchased, during the term of the natural life or lives of the person or persons by them respectively nominated at the time of such

pur-

purchase, and shall have good, sure, absolute, and indefeasible estates and interests in the said annuities respectively, according to the true tenor and meaning of this act; and that none of the said annuities shall be subject or liable to any tax assessed upon land by authority of parliament; and every such purchaser shall, upon payment of his or her purchase-money as aforesaid, have an order on parchment or vellum for payment of the annuity or annuities so purchased by him or her, for and during the natural life or lives of such person or persons as shall be nominated by him or her as aforesaid; which order shall be signed by the said commissioners, and after signing thereof, shall be firm, good, valid, and effectual, in the law, according to the purport and meaning thereof, and of this act.

Securities
transferrable.

LXXII. And it is hereby further enacted, That it shall and may be lawful to and for any person or persons intitled to any of the securities aforesaid, and his, her, or their executors, administrators, or assigns, at any time or times, by writing under his, her, or their hand or hands respectively, to assign or transfer such securities, by indorsement on the back thereof, to any person or persons whatsoever, and so *toties quoties*; and such assignments or transfers, after they shall respectively be entered by the clerk of the said commissioners; in manner aforesaid (which he is hereby required to do without fee or reward) shall intitle the person or persons to whom they shall be respectively made, and his, her, or their respective executors, administrators, and assigns, to the benefit of the security or securities so assigned or transferred.

Money bor-
rowed charged
on the rates.

LXXIII. And it is hereby further enacted, That all and every the sum and sums of money so to be advanced and lent, and the interest thereof, and all and every the annuity and annuities, so to be purchased, under and by virtue of this act, shall be, and they are hereby charged upon, and shall be paid and payable, from time to time, out of the monies arising from the rates and assessments to be rated and assessed by virtue and for the purposes of this act; and all the persons who shall be so possessed of such securities, shall be creditors in equal degree, without preference in respect of the priority of his, her, or their advancing the money thereon.

Persons charg-
ed towards
these rates,
not liable to
the former;

LXXIV. Provided always, and it is hereby further enacted and declared, That no person who shall be charged or assessed towards the rates to be made by virtue or in pursuance of this act, shall thereafter be liable to, or charged with, any other rates or assessments, made or to be hereafter made by virtue or in pursuance of any former act or acts of parliament, for or towards the paving, cleansing, or enlightening, the said city and liberties, or any part thereof.

but arrears
of former
rates still re-
coverable.

LXXV. Provided also, and it is hereby further enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to repeal, annul, or make void, any of the said rates or assessments, made or charged by virtue or in pursuance of any such former act or acts of parliament, which shall

shall be due and payable, or in arrear, on the said twenty ninth day of *September*, one thousand seven hundred and sixty six, or any of the remedies, powers, or provisions, given or provided by such former act or acts respectively, for the collecting, levying, or recovering the same; but all such rates and assessments, and all arrears thereof respectively, which shall remain or become due and payable on the said twenty ninth day of *September*, one thousand seven hundred and sixty six; and all the remedies, powers, and provisions, in and by such former act or acts respectively granted, enacted, or provided, for the collecting, levying, and recovering, the same respectively, shall continue and be in force; any thing herein before contained to the contrary thereof in any wise notwithstanding.

LXXVI. *And whereas it was by the said act of the seventeenth year of the reign of his said late majesty King George the Second, enacted, That if, at the expiration of seven years, it should be found that any surplus should have arisen from the monies collected by virtue of the said act, over and above what should have been issued and applied in pursuance thereof, such surplus monies should remain in the chamber of the said city of London, to be applied either in aid of the orphans fund, or in abatement or diminution of future rates and assessments, or to be otherwise disposed of to and for the use and benefit of the citizens of London, as they, by any act of common council, should direct and appoint: and whereas there is, at this time, standing in the name of the chamberlain of the said city, the sum of six thousand pounds three per cent. consolidated bank annuities, which were purchased with or out of the surplus monies collected by virtue of the said last mentioned act, over and above what had been issued and applied in pursuance thereof; and it will tend to expedite the good purposes of this present act, if such bank annuities, and such other surplus as now is, or hereafter may be, in the chamber of London, of the monies collected, or to be collected, by virtue of the said former act, were to be applied towards the carrying on the purposes aforesaid; therefore it is hereby further enacted and declared,*

That the said six thousand pounds bank annuities, and all such surplusses as have arisen, or shall or may arise, from the monies collected, or to be collected, by virtue of the said act of the seventeenth year of his said late Majesty, and shall, on the said twenty fifth day of *December*, one thousand seven hundred and sixty six, be remaining in the said chamber of *London*, over and above what shall then have been issued and applied in pursuance of the said last mentioned act, shall and may be applied towards the purposes of this present act, at such time or times, and in such manner, as the said commissioners shall, from time to time, think fit, order, or direct; and the chamberlain of the said city for the time being shall, immediately after the said twenty fifth day of *December*, carry the said six thousand pounds bank annuities, and the amount of the surplus of the said monies which shall then be in his hands, to the credit of the account of monies to be collected and paid into the said chamber by virtue or in pursuance of this present act.

Surplus remaining in the chamber under act 17 Geo. 2.

to be applied to this act.

LXXVII. And,

Tolls to be taken at the turnpikes here mentioned on Sundays.

LXXVII. And, to the end and intent that the useful purposes of this act may be the better and more speedily carried into execution, and for and towards increasing the fund for defraying the charges of the same; it is hereby further enacted, That upon and after the first *Sunday* next after the passing of this act, there shall be paid to the receiver or receivers, collector or collectors, to be nominated and appointed as herein after mentioned, before any cattle or carriages shall be permitted to pass on a *Sunday* through any or either of the turnpikes here under mentioned, or through any turnpike to be erected by virtue of this or any other act or acts of parliament, near the same, *viz.* The turnpike at *Mile End*; the turnpike at *Bethnal Green*; the turnpike at *Hackney*; the turnpike at *King's Land*; the turnpike at *Ball's pound*, or pond, *Islington*; the turnpike at *Holloway*; the turnpike at the end of *Saint John's Street*; the turnpike at the end of *Goswell Street*; and the turnpike on the new road, commonly called *The City Road*; all which turnpikes are in the county of *Middlesex*; the following tolls; *viz.*

The tolls.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by six or more horses, the sum of ten pence.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by four horses, the sum of eight pence.

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by three or two horses, the sum of six pence.

And for every chaise, chair, calash, or other carriage, drawn by one horse, the sum of threepence.

For every horse, mule, or ass, not drawing, the sum of one penny.

The said tolls to be taken above, and exclusive of, all other tolls, and to be vested in the mayor, &c.

Which said respective sums of money shall and may be demanded and taken for and in the name of a street toll, over and above, and exclusive of, all other tolls which are or shall be authorized to be taken and collected upon or on account of the roads, or any of them; and the monies arising therefrom shall be, and are hereby vested in the said mayor, commonalty, and citizens, and shall be disposed of for the purposes of this act: and the said commissioners are hereby empowered by themselves, or by any person or persons by them thereto authorized, to levy the toll, hereby required to be paid, upon any person or persons who shall, after demand thereof made, neglect or refuse to pay the same as aforesaid, or to deny or hinder any passage through the said turnpikes respectively, until payment thereof; which said toll shall and may be levied by distress of any horse or horses, or other cattle, upon which the toll is by this act imposed, or upon any of the goods and chattles of such person or persons who ought to pay the same; and all such horses, cattle, or goods, may be detained until such toll, with the reasonable charges of such distress, shall be paid: and it shall and may be lawful

and to be levied by distress,

for the person or persons so distraining, after the space of Distress may be sold after 4 days. days from the time of making and taking such distress, to the horse or horses, cattle, goods, or chattles, so distrained, being sold to the owner or owners thereof the overplus upon default after satisfaction of the said toll, and the reasonable charges about making such distress, keeping, and sale, shall be paid and satisfied.

XVIII. And it is hereby further enacted by the authority of the said King, That it shall and may be lawful for the said commissioners, if they shall think proper, at any time or times during the continuance of this act, to cause to be erected any turnpike pikes, at or near all or any of the respective places aforesaid, for the purposes of collecting the several and respective tolls hereby made payable; and also cause to be erected or repaired a toll-house at or near each turnpike; and, from time to time, to remove or alter the same as they shall think expedient: and the right and property of all the said turnpikes and toll-houses to be, from time to time, erected, maintained, and provided by virtue of this act, and the right and property of the materials provided for building or repairing the same, and the tolls, and are hereby, vested in the mayor, commonalty, and citizens; and they are hereby empowered to bring, or cause to be brought, any action or actions in the name of the corporation, to prefer, or order the preferring of indictments against any person or persons who shall injure the same, or any turnpike, or disturb them in the possession thereof, or take possession thereof, or hold possession thereof, after being required by or the commissioners to deliver up the same. Commissioners may erect turnpikes, &c. Turnpikes, &c. vested in the mayor, &c.

XIX. Provided always, and it is hereby further enacted, That it shall and may be lawful for the said commissioners and respective receivers or collectors, and other persons, appointed by virtue of this act, to receive and collect the tolls hereby made payable; and they are hereby authorized and empowered, for the purposes of this act, without hindrance, or molestation, of any person or persons whatsoever, to make use of all or any of the gates, turnpikes, and toll-houses, already erected, or hereafter to be erected or continued, by virtue of any act or acts of parliament, at or near the said and respective places whereat any toll is hereby authorized to be taken; so as such respective receivers, collectors, and other persons, do in no wise hinder or interrupt the transit of any business or purpose, for which such turnpikes and toll-houses were respectively erected or provided. Tolls may be collected at the turnpikes already erected.

XX. Provided also, and it is hereby further enacted, That no person or persons shall be liable to pay the said street toll more than once for passing or repassing, any time or times on any *Sunday* as aforesaid, with the same cattle and carriage; and that all and every person and persons, after having paid such toll as aforesaid, shall, during the remainder of such day, be toll-free, with respect to the said street toll, with the same cattle and carriages, through the gate or turnpike at which any Street tolls to be paid but once a day.

such toll was paid, and also through all other gates and turn-pikes whereat the said tolls are hereby made payable, upon producing a note or ticket denoting the payment of such tolls which notes or tickets the collectors of the said tolls are hereby required to give *gratis* on receipt of such tolls.

Commission-
ers may lease,
&c. the tolls.

LXXXI. And it is hereby further enacted, That the said commissioners may, and they are hereby empowered, upon ten days notice being given in the *London Gazette*, to lease or farm, by the year, the tolls by this act granted, or any part or parts thereof, to any person or persons, at or for the largest yearly sums that can be got for the same; provided that such lettings or agreements be made in writing, and signed by the person or persons taking or farming any such tolls, and by the said commissioners letting the same, and be not made for more than three years at a time; and that the money that shall be so agreed to be paid for the said tolls, shall be made payable, and shall be paid, to the chamberlain of the said city for the time being, by quarterly payments; and that the person or persons to whom the same shall be so lett, shall always pay one quarter's pay in advance; and if any letting or agreement for letting the said tolls, or any part or parts thereof, shall be made, and any default shall be made in paying the money agreed to be paid, contrary to the true meaning of this act, then every such letting and agreement shall be void, and the person or persons to whom the said tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him or them, in the same manner as is by this act directed for the accounting for the said tolls by the collectors thereof, and for the levying and recovering the same upon and of them.

and appoint
officers,

LXXXII. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, at any time or times, by any writing or writings, under their hands and seals, to nominate and appoint such person or persons to be receiver or receivers, collector or collectors, of the said respective tolls, as they shall think fit; and all persons by this act made liable to pay the said tolls, or any of them, are hereby required to pay the same to such receiver or receivers, collector or collectors, as aforesaid; and all such receivers and collectors shall respectively pay the same into the office of the chamberlain of the said city, in like manner, and under the like regulations and restrictions, as are herein before expressed of and concerning the collecting and paying the rates and assessments aforesaid; and shall also upon oath, if thereunto required by the said commissioners constituted by this act (which oath the said commissioners are hereby authorized and empowered to administer) from time to time give unto the said commissioners, or to such person or persons as they shall appoint for that purpose, a true, exact, and perfect account in writing, under their respective hands, of all monies which they, and every, or any of them, shall to such time have received by

who are to ac-
count upon
oath.

virtue of this act: and if any such receiver or collector shall not make and render, or shall refuse to verify upon oath any such account, or to make payment as aforesaid, then, or in either of such cases, it shall be lawful to or for one or more justice or justices of the peace, and such justice or justices, upon complaint to him or them made, is and are hereby authorized and required to make enquiry concerning such default, as well by confession of the party, as by the testimony of any credible witness or witnesses, upon oath (which oath such justice or justices is and are hereby impowered and required to administer, without fee or reward); and if any such receiver or collector shall be convicted of any or either of the offences aforesaid, such justice or justices shall commit every such offender to the common county gaol, without bail or mainprize, until he shall give or make a true and perfect account and payment as aforesaid, or until he shall have compounded with the said commissioners constituted by this act, and shall have paid such composition in such manner as they shall appoint; which composition the said commissioners are hereby impowered to make; and the said commissioners shall and may, out of the monies arising by the said tolls, or otherwise make such allowance unto their receivers and collectors, and all other persons to be employed by or under the said commissioners in the execution of this act, for their care and pains in their respective offices, as the said commissioners shall think fit and reasonable.

Officers refusing to account, justices to enquire into the default,

and commit the offenders until payment or composition be made.

Commissioners to allow officers salaries.

LXXXIII. And it is hereby further enacted, That if any person or persons shall forcibly or wilfully go or pass with any horse, beast, or carriage, through any turnpike whereat any toll is, by virtue of this act, to be paid, without paying such toll, or producing a note or ticket as aforesaid at such turnpike, or shall knowingly or designedly assault, interrupt, or obstruct, any or either of the collectors or persons employed in the collecting or receiving any or either of the said tolls, or any otherwise, in the execution of his or their respective office or offices of receiver or collector; or shall forge, counterfeit, or alter, or shall deliver to, or receive from, any other person or persons, any note or ticket, with an intent to avoid the payment of any or either of the said tolls, or any part thereof; every person so offending shall, for every such offence, forfeit and pay the sum of forty shillings, over and besides such damages and punishments as they and every of them respectively shall be liable to by law; and it shall and may be lawful to and for the said receivers or collectors, and for every of them, and all other persons required by them to assist in that respect, to seize any horse or horses, cattle, or goods, belonging to, or in the possession, or under the care of, any person or persons so offending in the premises, and to take such offenders before any justice of the peace, and before him to make complaint of such offence or offences; and such justice may, and is hereby required to enquire into the same, as well by examination of the party or parties, as by the testimony of any credible witness or witnesses upon oath (which

Penalty on forcibly passing through the gates, &c.

and on giving or receiving tickets, &c. to avoid payment of the tolls.

oath such justice is hereby impowered to administer without fee or reward) and if the said justice shall see cause, to convict the party or parties complained of in the penalty aforesaid; and for nonpayment thereof, and of the tolls that shall be due (though the same shall not be demanded) by warrant under his hand and seal, to cause the said horse or horses, cattle, or goods, to be sold for payment of the said tolls and penalties, and the charges of seizing and keeping the same, and of such sale, rendering the overplus, if any there shall be, to the owner or owners of the said horse or horses, cattle or goods, or to the person or persons under whose care, or in whose possession, they respectively were when so seized as aforesaid; and if no such seizure as aforesaid can or shall be made, then the aforesaid penalties and tolls shall be levied and recovered by such means, and applied in such manner, as herein after mentioned.

Tolls may be farmed.

LXXXIV. And it is hereby further enacted, That it shall and may be lawful to and for the commissioners of any of the said turnpikes for the time being, or for any three or more of the commissioners of each of the said turnpikes, at any of their public meetings, to treat and agree with the commissioners constituted by this act, for the taking or farming any of the said tolls.

Tolls may be assigned for money borrowed.

LXXXV. And it is hereby further enacted, That the said commissioners may, and they are hereby impowered, to borrow and take up at interest, any sum or sums of money upon the credit of the tolls, payable by virtue of this act; and to assign over the same, or any part thereof, by any writing or writings under their hands and seals, the charges of such assignments and conveyances to be paid out of such tolls respectively, to any person or persons who shall advance or lend their money thereon, as a security or securities for the several sums which shall be borrowed, and the interest thereof, as aforesaid: and copies of all such assignments and conveyances shall be entered in a book or books to be kept for that purpose, by the clerk for the time being of the said commissioners; and all and every person and persons, to whom such assignments shall be made, are hereby impowered from time to time, to assign and transfer their right and interest by indorsement on the back of their securities, in like manner and form, as the securities for the monies borrowed on the rates and assessments to be made and levied by virtue of this act, are above directed to be assigned and transferred; and all such assignments and transfers shall be produced, notified, and entered, in like manner as is above described, with respect to the producing notification, and entry, of the assignments and transfers of the securities for such rates and assessments; and it shall not be in the power of any person who shall have made any assignment or transfer of their securities on the said tolls, to make void or discharge the same, or any money due thereon; and no person or persons advancing any sums of money on the credit of the said tolls, shall be intitled to any preference with respect to the priority of advancing any such sum

Assignments to be entered in a book. Assignments may be transferred.

sum or sums; but all persons to whom any mortgages or assignments shall be made as aforesaid, shall be creditors in equal degree one with another, in proportion to the sums therein mentioned. All creditors deem'd equal in degree.

LXXXVI. And it is hereby further enacted, That all the monies to be raised by virtue of this act, shall be, and the same are hereby vested in the said mayor, and commonalty, and citizens of the said city; and shall be applied to the purposes of this act, and to and for no other use or purpose whatsoever. Monies vested in the mayor, &c. and applied to this act.

LXXXVII. Provided always, and it is hereby further enacted, That the charges and expences of procuring and passing this act, shall be paid out of the first monies which shall be raised by virtue thereof Charges of passing this act, how to be paid.

LXXXVIII. Provided also, and it is hereby further enacted by the authority aforesaid, That no nomination, contract, bond, warrant, judgement, or other writing whatsoever, under the hand and seal, or hands and seals, of, or only signed by, any commissioner or commissioners constituted by this act, or any justice or justices of the peace, or exhibited before any of them, or under the hand and seal, or hands and seals of, or only signed by, any other person or persons whatsoever, relating to the execution of this act, shall be chargeable with any duty whatsoever. Writings to be without stamps.

LXXXIX. And it is hereby further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed, (the manner of recovering and levying whereof is not hereby otherwise particularly directed) shall be recovered and levied by distress and sale of the offenders goods and chattles, by warrant under the hand and seal, or hands and seals, of any one or more justice or justices of the peace of the city or place where the offence shall be committed, or the offender found; which warrant such justice or justices are hereby empowered and required to grant, upon the confession of the party or parties, or upon information of one or more credible witness or witnesses, upon oath (which oath such justice or justices is and are hereby empowered to administer) and the penalties and forfeitures, when recovered, after rendering the overplus (if any be) upon demand, to the party or parties whose goods and chattles shall be so distrained and sold (the charges of such distress and sale being first deducted) shall be paid to the chamberlain of the said city for the time being, and be applied the one half to the informer, and the other half towards the purposes of this act; and in case sufficient distress shall not be found, then it shall and may be lawful to and for any such justice or justices, to commit such offender to any prison of the city or place within his or their jurisdiction, without bail or mainprize, for any space of time not exceeding thirty days, nor less than ten days. Penalties and forfeitures how to be recovered and applied.

XC. And it is hereby further enacted, That no proceedings to be had touching the conviction of any offender or offenders against this act, or any order made, or other matter or thing to be done or transacted, in or relating to the execution of this act, Proceedings not to be quashed for want of form.

nor remove-
able by Cer-
tiorari.

act, shall be vacated or quashed for want of form, or be removed by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

Limitation of
actions,

XCI. And it is hereby further enacted, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, until twenty one clear days notice shall be thereof given in writing to the clerk for the time being of the commissioners constituted by this act, or after sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, or after six calendar months next after the fact committed, for which such action or actions, suit or suits, shall be so brought; and every such action shall be brought, laid, and tried, in the city or county where the cause of action shall arise, and not elsewhere; and that the defendant or defendants in such actions or suits, and every of them, may plead the general issue, and give this act, and the special matter, in evidence at any trial or trials which shall be had thereupon; and that the matter or thing for which such action or actions, suit or suits, shall be so brought, was done in pursuance and by the authority of this act: and if the said matter or thing shall appear to have been so done, or if it shall appear that such action or suit was brought before twenty one clear days notice given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid; or if any such action or suit shall not be commenced within the time before for that purpose limited, or shall be laid in any other county or place than as aforesaid; then the jury or juries shall find for the defendant or defendants therein: and if the plaintiff or plaintiffs, in such action or actions, suit or suits, shall become nonsuited, or suffer a discontinuance of such action or actions; or if judgement shall be given for the defendant or defendants therein; then, and in either of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her, or their costs, in any other cases by law.

General issue.

Treble costs.

XCII. And it is hereby further enacted and declared, That immediately after the several authorities, powers, and provisions, herein before given, granted, established, declared, and provided, shall commence and take effect respectively, for the purposes of paving, cleansing, and enlightening, the said city, and the liberties thereof, and the other purposes of this act, according to the tenor and true meaning thereof; so much of the said act made in the twenty second and twenty third years of the reign of the late King *Charles* the Second, and of the said act made in second year of the reign of their late majesties King *William* and Queen *Mary*, as relates to the paving and cleansing the streets in the said city of *London*, and to the preventing of nuisances and obstructions within the same; and so much of the said act made in the tenth year of the reign of his late majesty King *George* the Second, as relates to the paving the said streets; and

Acts 22 & 23
Car. 2.

2 Will. & Mar.

& 10, 17, &
33 Geo. 2. in
part repealed.

and the said act made in the seventeenth year of the reign of his late majesty King *George* the Second, and all the powers, provisions, clauses, and matters, therein contained; and so much of the said act made in the thirty third year of the reign of his said late majesty King *George* the Second, as relates to the repairing and relaying such pavement in the said city, as shall be damaged by the breaking up of the same to amend or relay any water pipes; shall be, and the same is and are respectively hereby, repealed and made void.

XCIII. And it is hereby further enacted by the authority Publick act. aforesaid, That this act shall be deemed, adjudged, and taken to be, a publick act; and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

C AP. XXVII.

An act to explain, amend, and render more effectual the powers of an act made in the thirty third year of the reign of his late Majesty, intituled, An act for widening certain streets, lanes, and passages, within the city of London, and liberties thereof; and for opening certain new streets and ways within the same; and for other purposes therein mentioned.

WHEREAS by an act of parliament made in the thirty Preamble, reciting act 33 Geo. 2. third year of the reign of his late majesty King *George* the Second, intituled, An act for widening certain streets, lanes, and passages, within the city of *London*, and liberties thereof; and for opening certain new streets and ways within the same; and for other purposes therein mentioned; it is enacted, That the mayor, aldermen, and commons, of the said city, in common council assembled, shall have power and authority, not only to widen and render more convenient such and so many of the several streets, lanes, and passages, mentioned and described in a schedule to the said act annexed, intituled, First Schedule, in manner in the said schedule particularly mentioned, but also to design, make, open, and lay out, such new streets, ways, and passages, in the parts and places particularly mentioned and described in another schedule to the said act also annexed, intituled, Second Schedule, in manner in such second schedule mentioned: and whereas the several streets, lanes, and passages, by the said act intended to be widened and rendered more convenient, are mentioned and described in a schedule to the said act annexed, intituled, Second Schedule, to which the act refers, and the manner of widening and rendering the same more convenient, is particularly mentioned in such second schedule: and whereas the parts and places wherein the several new streets, ways, and passages, are, by the said act, intended to be designed, made, opened, and laid out, are particularly mentioned and described in a schedule to the said act also annexed, intituled, First Schedule, to which the act refers, and the manner of designing, making, opening, and laying out the same, is therein mentioned; and whereas doubts have arisen whether the said

*schedules are well and sufficiently referred to by the said act; and, in consequence thereof, whether the powers by the said act intended to be vested in the mayor, aldermen, and commons, of the said city of London, in common council assembled, or in a committee to be by them appointed, for enabling the mayor, aldermen, and commons, of the said city, in common council assembled, to effect the purposes aforesaid, are, by said act, well and sufficiently vested in the mayor, aldermen, and commons, of the said city, in common council assembled, or in a committee to be by them appointed; by reason whereof, the further prosecution of a design so useful and beneficial to the publick, wherein a considerable progress hath been already made at the peril and risque of the persons concerned therein, is greatly interrupted, and, if an adequate remedy be not applied, may be wholly laid aside: now, to obviate all doubts in the premises, and to enable the mayor, aldermen, and commons, of the said city, in common council assembled, to effect the said purposes of the said act, according to the true intent and meaning thereof; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the mayor, aldermen, and commons, of the city of London, in common council assembled, shall have, and shall be deemed to have, power and authority to design, make, open, and lay out new streets, ways, and passages, in the parts and places particularly mentioned and described in a schedule to the said recited act annexed, intituled, *First Schedule*, to which the act refers, in manner in such schedule mentioned; and also to widen and render more convenient the several streets, lanes, and passages, particularly mentioned and described in another schedule to the said recited act also annexed, intituled, *Second Schedule*, to which the act refers, in manner in such second schedule mentioned.*

Mayor, aldermen, and commons, in common council assembled, empowered to make the improvements mentioned in the two schedules annexed to the recited act.

Provisions of former act, relating to laying out new streets, &c. extended to this.

No advantage to be taken of any defect in former act.

II. And be it further enacted, That the several provisions, powers, and authorities, of the said recited act, which respect either the designing, making, opening, or laying out, any new streets, ways, or passages, or the widening or rendering more convenient any streets, lanes, and passages, not hereby altered or repealed, shall extend, and be construed to extend, to enable the mayor, aldermen, and commons, of the said city, in common council assembled, to effect the purposes aforesaid.

III. And be it further enacted, That from and after the passing of this act, no advantage shall be taken of any mistake or defect in the said recited act, touching any thing in, or in the reference to the schedules thereunto annexed, in any court of law or equity, by any person whatsoever, against the mayor, aldermen, and commons, of the said city, in common council assembled, their committees, agents, workmen, officers, servants, or persons acting by or under their authority, or any other person whatsoever.

IV. *And whereas in and by the said recited act, the court of mayor and*

and aldermen of the said city, are impowered and authorized to issue certain warrants and precepts, and to proceed thereon in manner therein expressed, and to do several other acts: and whereas doubts have arisen whether the powers and authorities thereby vested in the court of mayor and aldermen of the said city, may be lawfully exercised by the court of mayor and aldermen of the said city to be holden in the outer chamber of the Guildhall of the said city, according to the custom of the city: and whereas it would greatly facilitate the execution of the said act, if the said last mentioned court had all the powers and authorities by the said act vested in the court of mayor and aldermen of the said city; be it enacted by the authority aforesaid, That from and after the passing of this act, the said court of mayor and aldermen of the said city, to be holden in the outer chamber of the Guildhall of the said city, according to the custom of the said city, shall be, and are hereby impowered and authorized to issue all such warrants or precepts as aforesaid, and to proceed thereon as aforesaid, and to do all other acts which the court of mayor and aldermen of the said city might lawfully do by virtue of the said recited act and of this act, subject nevertheless to the alterations, restrictions, and provisions, herein contained.

Powers vested in the court of mayor and aldermen to be holden in the outer chamber of the city.

V. And whereas the provisions of the said recited act have been found to be defective, in cases where persons seized or possessed of, or interested, or claiming any interest in lands, tenements, or hereditaments, necessary to be purchased for the purposes of the said act, have not produced and evinced a clear title to their respective interests by them claimed, to the satisfaction of the mayor, aldermen, and commons, of the said city, in common council assembled, or of the person or persons by them authorized or appointed, according to the directions of the said act: now for remedy in the premises, and to provide for the speedy decision of all controversies touching the title to any such lands, tenements, or hereditaments, be it further enacted, That from and after the passing of this act, when and as often as in any of the cases above mentioned a jury shall be impanelled, returned, and sworn, according to the directions of the said recited act, such jury shall enquire of and assess the value of such lands, tenements, and hereditaments, and the proportionable value of the respective estate and interest of any person claiming any estate or interest therein, or in any part thereof; and the court of mayor and aldermen shall thereupon give judgement, that the sum or sums of money so to be assessed be the value of such lands, tenements, and hereditaments, and of such estates or estate, interests or interest; and the verdict and judgement as aforesaid (notice having been duly given according to the directions of the said recited act) shall be binding and conclusive as to value, as well against the King's majesty, his heirs and successors, as against every other person, bodies politick and corporate whatsoever; and it shall be lawful for the court of mayor and aldermen, to order the sum so to be assessed as and for the value of such lands, tenements, and hereditaments, to be paid into the bank of England, in the name

Jury to assess the value of land, &c.

Purchase-money to be paid into the bank in the name of the comptroller and exchequer.

and with the privity of the accomptant general of the high court of chancery, to be placed to his account, to the credit of the parties interested in such lands, tenements, or hereditaments, describing them, subject to the order, controul, and disposition, of the said court of chancery; which said court of chancery, on the application of any person or persons making claim to such sum, by motion or petition, shall be, and is hereby impowered, in a summary way of proceeding, or otherwise, as to the said court shall seem meet, to order distribution thereof according to the respective estates or estate, title, or interest, of the person or persons making claim thereunto, of, in, or to, such lands, tenements, and hereditaments, to be made appear to, and to be declared by, the said court, and according to the value thereof, assessed as aforesaid; and to make such other order in the premisses, as to the said court shall seem just and reasonable.

Premises
thereupon
vested in the
mayor, &c.

VI. And be it further enacted by the authority aforesaid, That immediately from and after such verdict, judgement, and order, of the said court of mayor and aldermen, and payment into the bank as aforesaid, all the estate, right, title, interest, use, trust, property, claim, and demand, in law or equity, as well of the King's majesty, his heirs and successors, as of all and every person, bodies politick or corporate whatsoever, of, in, to, or out of, such lands, tenements, or hereditaments, shall vest in the mayor, and commonalty, and citizens, of the said city of London; and they shall be deemed in law to be in the actual seisin and possession thereof, to all intents and purposes whatsoever; any thing in the said recited act to the contrary notwithstanding.

Party walls,
within the ci-
ty and liber-
ties of Lon-
don, to be
built as here
directed.

VII. *And whereas the provision made in and by the said recited act, for preventing the fatal effects of fire within the said city and liberties, hath not been found sufficient to answer the purposes thereby intended,* be it therefore enacted by the authority aforesaid, That all party walls which, from and after the expiration of three calendar months next after the passing of this act, shall be erected or built within the said city, or liberties thereof, shall be two bricks and an half thick, at least, in the cellar story; and two bricks thick upwards to the top above the tiling; and to rise nine inches at least above the tiling of the roof; and that the same shall be built of stone, or of good, found, hard, well burnt bricks, and none other: and also, that from and after the expiration of the said three calendar months, no sort of linthaling, bond timber, or any other timbers whatsoever, except the timbers of the roof, the girders, and templets not more than three feet in length under the ends of the said girders, the ends of trimmers, and the ends of joists, shall be laid into the party walls, that may be erected or built within the said city and liberties; and that the ends of girders, ends of trimmers, and the ends of joists, lying within such party walls, shall not exceed one foot; and that none of the ends of the girders, trimmers, or ends of joists, in adjoining houses, shall meet, or be laid opposite to each other; and

that the sides thereof shall be at least nine inches distant each other; and that in case the ends of joists shall happen in the party walls, then, instead of timber linthaling, scants of *Portland* stone, nine inches wide and five inches thick, shall be laid in the party walls upon which the ends of the joists rest: and if any person or persons shall offend in the premises, he, she, or they, shall forfeit for every such offence, the sum of forty pounds; to be recovered, with costs of suit, by any person who will sue for the same, by action of debt, bill, plaint, information, in any of his Majesty's courts of record at *Westminster*, or within the said city, in which action, no essoin, provision, or wager of law, or more than one imparlance shall be allowed; one moiety of such forfeiture, when recovered, to be paid and delivered to the treasurer of *Christ Hospital*, to be employed towards the relief of the poor children to be brought and maintained in the said hospital, and the other moiety thereof to the person who shall sue for the same.

VIII. And be it further enacted, That all and every the powers, clauses, provisos, matters, and things, contained in the several recited acts, shall, so far as they, or any of them, are applicable to this present act, be extended to, and be in full force, to be executed as well for the purposes of this act, as of the said several acts, as amply and effectually as if the same were in and this act expressly re-enacted, and declared to take effect and in force.

X. Provided always, and be it further enacted, That no proceedings, judgment, or other proceeding, under or by virtue of this act, shall be quashed, vacated, or discharged, for want of form only, or be removed or removable by *Certiorari*, or otherwise, into any court of record at *Westminster*.

XI. And be it further enacted, That if any action shall be brought, or suit commenced against any person or persons, for any thing done in pursuance of this act, in relation to the premises, or any of them, such action or suit shall be laid or brought within six calendar months next after the fact done, and shall be heard or brought in the city of *London*, and not elsewhere: and the defendant or defendants in such action may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, the said defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath or have for costs in other cases by law.

XI. And

Publick act.

XI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be, a publick act, and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXVIII.

An act to prohibit the importation of foreign wrought silks and velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the silk manufacture.

Preamble.

WHEREAS great quantities of foreign wrought silks and velvets are daily brought into and sold in Great Britain, to the prejudice of the silk manufacture of these kingdoms: for redress whereof, it is expedient that the importation of such goods into Great Britain, and the islands of Jersey, Guernsey, Alderney, Sark, and Man, should be prohibited for a limited time; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fourteenth day of June, one thousand seven hundred and sixty six, no foreign wrought silks or velvets shall be imported or brought into Great Britain, or the islands of Jersey, Guernsey, Alderney, Sark, or Man, upon pain of being seized and forfeited, and upon the further penalty of one hundred pounds of lawful money of Great Britain, to be paid by the importer thereof, for each piece or remnant so imported, together with costs of suit.

From and after 14 June, 1766, no foreign wrought silks or velvets may be imported, on penalty of forfeiture, and 100 l;

nor may any such be sold, or exposed to sale, exchanged, trucked, or worked up, (not being imported before the said time)

on penalty of forfeiture thereof, &c.

II. And be it further enacted by the authority aforesaid, That from and after the said fourteenth day of June, one thousand seven hundred and sixty six, no mercer, haberdasher, upholder, mantua-maker, milliner, taylor, or other person or persons whatsoever, shall vend, utter, sell, or expose to sale, or exchange, barter, truck, or otherwise dispose of, any foreign wrought silk or velvet, wove, wrought, fabricated, or manufactured, in foreign parts, and which shall not have been imported before the fourteenth day of June, one thousand seven hundred and sixty six, or sew, work, or make up, the same, for, in, or upon, any garment, or wearing apparel or furniture whatsoever; upon pain that all and every such foreign wrought silk or velvet, garment or garments, or furniture, or other work made thereof, so sold, or exposed to sale, exchanged, bartered, trucked, or disposed of, or sewed, worked, or made up, for, in, or upon, any garment, or wearing apparel or furniture, or other work, and the garment, wearing apparel, furniture, or other materials, in, with, or upon which the same shall be so sewed, wrought, or made up, shall be seized and forfeited; and all and every person and persons who shall vend, utter, sell, or expose to sale, exchange, barter, truck, or dispose of, or knowingly sew, work, or make up, or cause or procure to be sewed, wrought, or made up, for, in, or upon, any garment, or wear-

ing

ing apparel or furniture, or other work, any such foreign wrought silk or velvet, wove, wrought, fabricated, or manufactured, in foreign parts, and not imported before the said fourteenth day of *June*, one thousand seven hundred and sixty six, shall, for every such offence, forfeit the sum of one hundred pounds of lawful money of *Great Britain*, together with costs of suit. and 100 l. with costs of suit.

III. And be it further enacted by the authority aforesaid, That all foreign wrought silk or velvet, or other work made thereof, wove, wrought, fabricated, or manufactured, in foreign parts, which after the said fourteenth day of *June*, one thousand seven hundred and sixty six, shall be imported into this kingdom, or into *Jersey, Guernsey, Alderney, Sark, or Man*, whether the same shall be mixed with, sewed on, or made up with, any other goods or materials, or otherwise, and the apparel, garment, or furniture, or other materials, in, with, or upon, which the same shall be mixed, sewed, or made up, may be seized, and, after condemnation, shall be forfeited; and the mercer, haberdasher, upholder, mantua-maker, milliner, taylor, or other dealer in, or vender or maker up of any of the said manufactures, in whose house, warehouse, custody, or possession, the same shall be found and seized, being thereof convicted, shall, for every piece or remnant of such foreign silk or velvet, or other work made thereof, that shall be seized and found in his, her, or their house, shop, warehouse, custody, or possession, as aforesaid, and which shall have been brought, placed, or continued there, with his, her, or their knowledge, privity, or consent, forfeit the sum of one hundred pounds of lawful money of *Great Britain*, together with costs of suit. The said goods may be seized, &c. and the venders, &c. in whose possession the same shall be found forfeit 100 l.

IV. And be it further enacted by the authority aforesaid, That forthwith after the seizure of any such foreign wrought silks or velvets, or other works made thereof as aforesaid, or as soon after as conveniently may be, the same shall be sent to, and deposited in one of the King's warehouses belonging to the custom-house at *London*; and all and every such foreign wrought silks and velvets may, from time to time, be viewed and inspected by any person or persons on behalf of the prosecutor or prosecutors, or of the person or persons interested in, or claiming the said silks and velvets; and the commissioners of his Majesty's customs are hereby required to make and give sufficient orders, from time to time, for that purpose; and after condemnation thereof, in due course of the law, all and every such silks and velvets shall be publicly sold to the best advantage for exportation by the candle; and one moiety of the produce or money arising by the sale of such silks or velvets, shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof to the use of the officer or officers who shall seize and secure the same; and no such foreign wrought silks or velvets shall be consumed or used in this kingdom, or in *Jersey, Guernsey, Alderney, Sark, or Man*, but shall be exported again to some port or place beyond the seas, Seizure to be deposited in one of the King's warehouses, and to be free from inspection; and to be publicly sold, after condemnation, to the best bidder, for exportation;

for which security is to be given, before delivery of the goods out of the warehouse.

Certificate to be returned of such exportation; or proof made of the goods being taken, or having perished at sea;

otherwise the securities are to be put in suit.

Recovery and application of the penalties and forfeitures.

Officer neglecting to prosecute for any pecuniary penalty,

any other person may sue for and re-

seas, and shall not be sold otherwise than on condition to be exported as aforesaid; and such silks and velvets shall not be delivered out of the warehouse or place wherein the same shall have been secured, until sufficient security be first given to the King's majesty, his heirs, and successors, which the commissioners of his Majesty's customs are hereby impowered and required to take, that the same and every part thereof shall be exported as aforesaid, and not landed again in any part of *Great Britain, or Jersey, Guernsey, Alderney, Sark, or Man*; which securities shall be discharged without fee or reward, upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *English* merchants at such place, that the goods were there landed, or upon proof by two credible persons that such goods were taken by enemies, or perished in the seas, the examination and proof thereof being hereby left to the judgement of the said commissioners; which commissioners are hereby impowered and required, from time to time, to call upon the person or persons who have entered into such security, to produce such certificate, or proof as aforesaid; and in default of producing such certificate, or proof to the satisfaction of the said commissioners, such securities to be put in suit and prosecuted, by order of the said commissioners, against the person or persons who shall so make default, in such manner as offences of the like kind are sued or prosecuted by any law or statute of this realm.

V. And be it further enacted by the authority aforesaid, That all pecuniary penalties and forfeitures, by this act imposed, shall and may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, or in the royal courts of *Jersey* and *Guernsey*, or in any courts to be holden in his Majesty's name, or by virtue of his authority, in the *Isle of Man*, respectively, where the offence shall be committed, together with costs of suit, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in *Scotland*, or in the name or names of some officer or officers of the customs; wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and that one moiety of every such penalty and forfeiture shall be to the use of the King's majesty, his heirs, and successors; and the other moiety thereof, to such person or persons who shall sue or prosecute for the same.

VI. Provided always, and be it further enacted, That if any officer or officers of the customs shall neglect or refuse, for the space of one month after the condemnation of such goods, to prosecute to effect any person or persons for any pecuniary penalty or forfeiture by this act inflicted upon offenders against the same; that then, and in every such case, it shall be lawful for any person or persons whomsoever to sue for, prosecute, and recover, the respective pecuniary penalties or forfeitures by this act

to be inflicted, in like manner as is herein before directed with regard to the officers of the customs; and one moiety of the said respective forfeitures, when recovered, shall, in such case, be applied to the use of his Majesty, his heirs, and successors; and the other moiety, to the person or persons who shall sue or prosecute for the same respectively.

VII. And be it further enacted by the authority aforesaid; That if any such foreign wrought silks or velvets shall be seized by virtue and in pursuance of this act, and any doubt or question shall arise where the same were manufactured, the proof shall lie upon the owner or claimer of such goods, or the person prosecuted for being guilty of an offence against this act, and not upon the prosecutor or prosecutors, plaintiff or plaintiffs; and in case no proof shall be given and fully made to the satisfaction of the court where such suit or prosecution shall be depending, that such silks or velvets were manufactured in Great Britain, then the same shall, without any farther proof, be taken and held to have been manufactured out of Great Britain, and contrary to, and in violation of, this act; by law, usage, or custom, to the contrary notwithstanding.

cover the same.

Where the goods seized shall not be proved by the owner, &c. to be manufactured in Great Britain, the court shall deem them of foreign manufacture.

VIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to inflict any penalty on the wearer of such foreign wrought silk or velvet, or other work made thereof, or the owner of any furniture made thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

The wearer of such goods, or owner of furniture made thereof, not liable to forfeit.

IX. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint, or information, entered, and prosecuted, for any pecuniary penalty imposed by this act, costs shall be allowed, and attend the event of such suit or prosecution on either side; for which the parties shall have the same remedy as in other cases where costs are allowed to plaintiffs or defendants.

Costs to be allowed in all prosecutions for pecuniary penalties.

X. And be it further enacted by the authority aforesaid, That in every suit or prosecution for recovery of the pecuniary penalties imposed by this act, the proof where the goods were manufactured shall lie upon the person prosecuted, and not upon the prosecutor; and in case the goods, on account of which such suit or prosecution shall be commenced, shall have been condemned in course of law, when such suit or prosecution for the pecuniary penalty is brought to trial, the judgement of such condemnation shall be admitted and allowed to be given as evidence, that such goods, so seized and condemned, were not manufactured in Great Britain, so as to intitle the plaintiff or prosecutor, in such suit or prosecution, to recover the penalties and forfeitures by this act imposed; and the proof of such judgement or condemnation to be made, given, and allowed, in such and the like manner, as proof of judgements and decrees of his Majesty's courts of record at Westminster, in other cases, are usually made, given, and allowed, in any of the said courts, and not otherwise; any law, usage, or custom, to the contrary notwithstanding.

Proof, where the goods were manufactured, to lie on the person prosecuted.

Judgement of condemnation of the goods sufficient to entitle the prosecutor to recover.

XI. And

Commence-
ment and con-
tinuance of
this act.

XI. And be it further enacted by the authority aforesaid, That this act shall commence and take place from and after the said fourteenth day of *June*, one thousand seven hundred and sixty six; and shall continue and be in force for the space of five years, and from thence to the end of the then next session of parliament, and no longer.

Limitation of
actions.

XII. Provided always, and it is hereby enacted and declared, That all informations, bills, actions, and suits, that shall be had, brought, commenced, sued, or exhibited, for any forfeiture or offence committed against this act, shall and may be had, brought, commenced, sued, and exhibited, within twelve calendar months after the discovery of such offence; and, in case of seizure and condemnation, within six calendar months after judgement of condemnation shall be obtained thereon.

Certain goods
not within the
extent of this
act.

XIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to any wrought silk or velvet which shall be manufactured in, and imported from, the *East Indies*; or to any silk crapes, or tiffanies, of the manufacture of *Italy*.

General issue.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any thing done in pursuance of this act, he or they may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear to have been so done, then the jury shall find for the defendant or defendants: and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions, after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, for which they shall have the like remedy, as defendants have in other cases by law where costs are allowed to defendants.

Treble costs.

Recital of
clause in act
12 Geo. 1. re-
lating to the
woollen ma-
nufacture.

XV. *And whereas by an act made in the twelfth year of his majesty King George the First, intituled, An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages; there is contained a clause, whereby it is enacted, That if any person or persons shall, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any serge, or other woollen goods, in the loom, or any tools employed in the making thereof; or shall wilfully and maliciously cut or destroy any such serges, or woollen goods, in the loom, or on the rack; or shall burn, cut, or destroy, any rack, on which any such serges, or other woollen goods, are hanged in order to dry; or shall wilfully and maliciously break or destroy any tools used in the making any such serges, or other woollen goods, not having the consent of the owner so to do; every such offender, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy: and whereas it is necessary and*
expe-

expedient that the provision contained in the said clause should be extended to the silk manufacture of this kingdom; be it therefore enacted by the authority aforesaid, That if any person or persons shall, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any velvet, wrought silk, or silk mixed with any other materials, or other silk manufacture, in the loom, or any warp or shute, tools, tackle, or utensils; or shall wilfully and maliciously cut or destroy any velvet, wrought silk, or silk mixed with any other materials, or other silk manufacture, in the loom, or any warp or shute, tools, tackle, or utensils, prepared or employed in or for the making thereof; or shall wilfully and maliciously break or destroy any tools, tackle, or utensils, used in or for the weaving or making any such velvet, wrought silks, or silks mixed with any other materials, or other silk goods, or silk manufacture, not having the consent of the owner so to do; every such offender, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

The provisions in the recited clause extended to the silk manufacture; and offenders are subject to suffer death, as in cases of felony, without benefit of clergy.

C A P. XXIX.

An act to prevent the fraudulent marking of frame-work knitted pieces, and stockings.

WHEREAS persons employed in the frame-work knitted manufactures, do often mark their goods to denote the same to be made with a greater number of threads than such manufactures are really made of, to the great imposition of the buyers, and discredit of the said manufactures at foreign markets: therefore, to prevent the like impositions and deceits for the future, may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and sixty six, all frame-work knitted pieces, and stockings made of thread, cotton, worsted, or yarn, or of any mixture of all or any of the said materials, or of any materials of any other kind or nature whatsoever (except such as shall be made of silk only) which shall contain three or more threads, shall be marked with the same number of ilet-holes, and no more, as there are threads contained in each piece or pair of such goods and manufactures; and such ilet-holes shall be made in a plain and distinct manner in one direct line, or in the same course, and shall not exceed the distance of three inches from the two extreame ilet-holes; and no such ilet-holes shall be made or placed within the distance of four inches of any letter, figure, mark, or other device, which shall be put or woven in any such goods or manufactures; and all such ilet-holes shall be made within four inches of the top or end of every such piece or pair of such goods and manufactures; and that no ilet-hole, or imitation thereof, shall be made or put in

Preamble.

From and after 24 June, 1766; all frame-work knitted pieces and stockings (those made of silk excepted) containing three or more threads are to be marked with the same number of ilet-holes, and no more, in manner here directed.

any frame-work knitted piece or pair of stockings upon any account or pretence whatsoever, except as herein before directed by this act.

Provision with respect to the welts and tops of stockings.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent any manufacturers from using remnants, or materials of any sort, in the welts and tops of stockings only, at any distance not exceeding three inches from the top although the same shall not contain so great a number of threads as are contained in the legs of such stockings.

Masters, &c. not duly and truly marking their goods, in manner above directed,

III. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty six, if any master frame-work knitter or master hosier, or any other person, shall make or work, or shall cause or procure to be made or wrought, any frame-work knitted goods or manufactures of any of the materials aforesaid, or any mixture thereof (except such as shall be made of silk only) without being duly and truly marked in the manner before directed; every such master frame-work knitter, or master-hosier, or other person so offending, and being thereof convicted in manner herein after mentioned, shall respectively forfeit and pay the sum of five pounds for every piece of such frame-work knitted goods, or pair of stockings, so made, or caused or procured to be made, which shall not be duly and truly marked according to the directions of this act; and shall also forfeit and lose all such frame-work knitted pieces and stockings.

forfeit s^l. and the goods.

Journeyman, &c. not making such goods on their own account, excepted; who are liable to forfeit not exceeding 40s. nor less than 5s.

IV. Provided always, That the penalty of five pounds herein before mentioned, shall not be construed to extend to any journeyman, apprentice, servant, or person, not making such goods or manufactures on his own account.

V. And be it further enacted by the authority aforesaid, That if any journeyman, apprentice, servant, or other person, employed in making any frame-work knitted manufactures, shall not, at the time that he shall make any frame-work knitted piece or pair of stockings, duly and truly mark every such piece and pair according to the directions of this act, and the true intent and meaning thereof; every such journeyman, apprentice, servant, or other person, so offending, and being thereof convicted in manner herein after mentioned, shall respectively forfeit and pay any sum not exceeding the sum of forty shillings, nor less than five shillings, for each and every piece of frame-work knitted goods, or pair of stockings, which every such journeyman, apprentice, servant, or other person, shall respectively make, and shall not mark in manner before directed.

unless they make it appear that they acted according to the direction of their masters; in

VI. Provided always, That if any journeyman, apprentice, or servant, or other person, employed in making any frame-work knitted manufactures, shall make it appear, to the satisfaction of the justice before whom he shall be brought, that such frame-work knitted pieces, or stockings, so by him unduly marked, was so marked by direction of his master, or the person

whom he was employed; that then, and in every such journeyman, apprentice, or servant, or other person, be exempted from any penalty or forfeiture for such

which case they are exempted.

And be it further enacted by the authority aforesaid, from and after the twenty fifth day of *March*, one thousand and sixty eight, if any frame-work knitter, or other person, shall sell, or expose to sale, any frame-work knitted piece, or pair of stockings, made of all or any of the said materials, or of any mixture thereof (except such shall be made of silk only) which shall not be duly and truly marked in manner herein before directed; every such hosiery person, so offending, and being thereof convicted in any manner herein after mentioned, shall forfeit and pay the sum of five pounds for every frame-work knitted piece, and for every pair of stockings, so sold, or exposed to sale, which shall not be duly and truly marked according to the directions of this act; and all also forfeit and lose all such frame-work knitted pieces, stockings, so by him sold, or exposed to sale.

From and after the 25th March, 1768, persons who shall sell or expose to sale any such goods not being duly and truly marked shall forfeit 5 l. per piece, &c.

and the goods;

Provided always, and be it further enacted by the authority aforesaid, That if, at any time after the twenty fifth day of *March*, one thousand seven hundred and sixty eight, any person shall be prosecuted by virtue of this act, for selling, or exposing to sale, any frame-work knitted goods or manufactures, which shall not be duly and truly marked according to the directions of this act, and shall discover the vender or seller thereof, so as such vender or seller shall be convicted, and be liable to the penalties and forfeitures laid and inflicted by this act; then, and not otherwise, the person so prosecuting or exposing such frame-work knitted goods or manufactures to sale, shall be, and is hereby discharged from any penalty or forfeiture laid or inflicted by this act; any thing in this behalf to the contrary notwithstanding.

except they discover the vender, so as he shall be convicted, and become liable to the penalty;

in which case they are exempted.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any one or more justices or magistrates of the peace for the county, riding, division, city, town, or borough, where any offence shall be committed against this act, the justice not being a frame-work knitter, hosiery, or a producer of frames made use of in the weaving or frame-work knitted goods or manufactures, to convict the party or parties offending, upon the oath of one or more credible witnesses or justices (which oath such justice or justices are hereby imposed and required to administer) and, upon such conviction, in case such penalties or forfeitures shall not be satisfied, to issue a warrant or warrants under his or their hand and seal, or hands and seals, to levy and recover the said penalties and forfeitures by distress and sale of the offender's goods and chattles, rendering the overplus (if any shall be) after deducting the charges of such distress and sale to the owner or owners thereof; and in case no goods or chattles of the party or parties so offending can be found,

Method of conviction,

and recovery of the penalty.

For want of distress, the offenders to be convicted.

or there shall not be goods or chattles sufficient to pay such penalties and forfeitures, any one or more of such justices of the peace shall, upon proof thereof made upon oath (which oath he and they is and are hereby impowered and required to administer) before him or them, by the person or persons who shall have the execution of such warrant or warrants, commit the party or parties offending to the common gaol of the county, riding, division, city, town, or place, where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding three months, unless such penalties and forfeitures shall be sooner paid and satisfied; and all penalties and forfeitures aforesaid shall go and be applied, one moiety to the use of the informer or informers, and the other moiety to the use of the poor of the parish, town, or place, where such offence shall have been committed.

Application of the penalties.

Persons aggrieved may appeal to the quarter sessions;

X. Provided always, and be it further enacted by the authority aforesaid, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, such person may appeal to the justices of the peace, at any general quarter sessions of the peace to be held for the county or place wherein the cause of complaint shall arise; such appellant giving ten days notice in writing of his or her intention of bringing such appeal, to such justice or justices before whom he or she shall have been convicted; and, within two days after such notice, entering into a recognizance before some justice of the peace for such county or place, with two sufficient sureties, conditioned, to try such appeal at such quarter sessions; and the said justices, at the said sessions, upon due proof of such notice given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing, or appealed against, as they the said justices shall think proper; and the determination of such quarter sessions shall be final, binding, and conclusive, to all intents and purposes.

whose determination shall be final.

General issue.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done by the authority of this act; and if it shall appear to have been so done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

Reservation of rights to the

XII. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed, deemed,

and taken to extend, to abridge or take away any rights or frame-work
privileges which the master, wardens, and assistants, of the knitters com-
pany of frame-work knitters for the time being now have,
were intituled unto.

C A P. XXX.

That for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of Great Britain called England, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty six; and for explaining, amending, and rendering more effectual, several acts of parliament passed in the second, fourth and fifth years of the reign of his present Majesty, relating to the raising and training the militia within that part of Great Britain called England.

WHEREAS the sum of one hundred and fifty thousand Preamble.

pounds has been granted to his Majesty, for defraying the charge of the pay and cloathing for the militia, for one year, from the twenty fifth day of March, one thousand seven hundred and sixty six :

order therefore that the charge of pay and cloathing for such militia may be duly and properly defrayed and satisfied; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority

of the same, That in every county, riding, or place, within that part of Great Britain called England, where the militia is

to be raised, the receiver or receivers general of the land

of such county, riding or place respectively, shall issue and

pay the whole sums required, in the manner, and for the several

articles, herein after-mentioned; that is to say, For the pay of

such militia for four calendar months in advance, at the rate

of six shillings a day for each adjutant, where an adjutant is ap-

pointed; and at the rate of one shilling for each serjeant, with

the addition of two shillings and six pence a week for each ser-

jeant major, where a serjeant major is appointed; and at the

rate of six pence a day for each drummer, with the addition of

three pence a day for each drum major, where a drum major is

appointed; and also at the rate of six pence a month for each

man and drummer, for defraying the contingent expences of each regiment, battalion, and independant company

of militia, one penny whereof shall be applied for defraying the

Where the militia is or shall be raised,

the receiver general of the county is to

issue 4 months pay in ad-

vance, according to the

establishment of pay here

set down;

with half a year's salary

to the regimental and

battalion clerks;

and the allow-

ances to the

general clerks of the

general

clerks of the

General and
subdivision
meetings;

and pay for
cloathing of
the militia.

The above
sums are not
to be paid, if
pay has not
before been
issued, till the
ld. lieut. or
deputies shall
have certified
to the treasu-
ry and receiv-
ers general
the enrolment

The money is
to be paid by
the receiver-
general to the
clerk of the
regiment or
battalion
(except the al-
lowances to
the clerks of
the meetings)
upon produc-
ing the war-
rant of his
appointment;

and for inde-
pendant com-
panies, to the
respective
captains, or to
their order;

according to
the establish-
ment laid
down in the
militia act of
17 Geo. 3.

general meetings, at the rate of five pounds five shillings for each meeting; and to the several clerks of the subdivision meetings, at the rate of one pound one shilling for each meeting; and also for the cloathing of the militia for such county, riding, or place, after the rate of three pounds ten shillings for each serjeant, and two pounds for each drummer, with the addition of one pound for each serjeant major, and each drum major; and with respect to the private militia men, where the militia hath been embodied, or having not been embodied, hath not been cloathed within three years, at the rate of one pound ten shillings for each private man.

II. Provided nevertheless, That in any county, riding, or place, where pay has not yet been issued for the militia, no pay shall be issued until his Majesty's lieutenant, or, in his absence, any three deputy lieutenants, of any such county, riding, or place, shall have certified to the commissioners of his Majesty's treasury, and to the receiver general of the land tax, that three fifths of the number of private militia men of such county, riding, or place, have been inrolled, and that three fifths of the proportion of their commission officers have accepted their commissions, and entered their qualifications as by law required. of 3 fifths of the men and officers.

III. And be it enacted, That all such sums of money aforesaid, except such as shall be due to the several clerks of the meetings aforesaid, and except such as shall be due on account of cloathing, shall, where the militia has never been embodied, be paid by the said receiver or receivers general of the land tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion respectively, notwithstanding such militia shall have been disembodied; and where the militia shall be formed into an independant company, or independant companies, such sums as aforesaid shall be paid by the said receiver or receivers general of the land tax, into the hands of the respective captain of each independant company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intituled to receive pay and cloathing, of which such regiment or regiments, battalion or battalions, independant company or independant companies, shall have been appointed to consist, according to the establishment laid down in an act passed in the second year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now*

in being, relating to the raising and training the militia within that part of Great Britain called England; and such receiver or receivers general of the land tax shall also, within fourteen days after the expiration of the third calendar month from the time of the said first payment, make a second payment for four calendar months in advance; and shall also, within fourteen days after the expiration of the three calendar months from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforesaid, in the proportions herein before mentioned; and the receipts of such clerk or clerks, and of such captain of an independant company, or captains of independant companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforesaid, shall be a sufficient discharge to such receiver or receivers general of the land tax for the several sums of money so by him or them paid.

A second payment is also to be made within 3 months after the first;

and a third within three months after the second.

Receipts of the persons to whom the money shall be so paid, discharge the receivers general.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforesaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant of such regiment or battalion respectively; and to the captain or commanding officer of each company belonging to such regiment or battalion, two months pay in advance for the serjeants, drummers, and the contingent expences of his respective company; out of which said contingent money each captain shall pay to the commanding officer of each regiment or battalion one penny a month for each private man and drummer, for the defraying the expences of the hospital; and also to the commanding officer of the company to which the serjeant major and drum major shall belong, two months pay in advance for such serjeant and drum major; and so from time to time so long as any money on that account shall remain in his hands: which pay every such captain or commanding officer is hereby required to distribute to each person belonging to his company, by this act intitled to receive the same, as it shall become due; and shall, once in every year, give in to the clerk of the regiment or battalion to which such company shall belong, or, if captain of an independant company, to the receiver general, an account of the several payments he shall have made in pursuance of this act according to the following form:

the regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and a months pay to each captain, for the serjeants, drummers, and contingent expences of the said company; captain to pay for each man 1 d. per month out of the contingent money, towards charges of the hospital; and for the serjeant major and drum major; to be paid to the commanding officer of the company to which they belong: captains to distribute the pay accordingly; and account for the same yearly to the clerk, or receiver general if an independant company, according to the following form.



County of	Dr.	Per Contra	Cr.	
To cash received of Mr. regimental or battalion clerk, or receiver general, as the case shall be, for two months pay in advance		Paid serjeant	for	
		days pay from the	of	
		of to the	of	
		following		
		Ditto as serjeant major (if	one in the company)	
		Paid serjeant	for	
		days pay from the	of	
		of to the	of	
		following		
		Paid drummer	drummer	
	days at six pence, from	the of to the		
	of following			
	Ditto as drum major (if	one in the company)		
	Paid drummer	drummer		
	days from the	of		
	to the	of fol-		
	lowing			
	Two months contingencies	for men and two		
	drummers, at six pence	per month each		

and pay back the surplus monies in his hands, except the contingent expences, which is to be accounted for, and applied to the general use of the regiment, &c. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expences. Clerk to retain money in his hands for his own salary. When the ld. lieuts. or deputies shall have fixed the days of exercise, they are to certify the same to the receiver general, specifying

And shall pay back to the said clerk, or to the receiver general, as the case shall be, the surplus (if any) of the money by him from time to time received, and then remaining in his hands (except the money by this act allowed for contingent expences) which shall once in every year be accounted for by the captain of each company respectively, in manner aforesaid, and the balance thereof shall be by him paid into the hands of the clerk of the regiment or battalion to which such company shall belong, to be applied to the general use of the said regiment or battalion, as the field officers and captains thereof, or the greater part of them, shall direct; and the captain of each independent company is hereby required to distribute to each person belonging to his company intitled thereto, such money as he shall receive by virtue of this act; and the said money allowed for the contingent expences of each independent company of militia, shall be respectively applied to the particular use of such independent company, by the captain thereof.

V. And be it enacted, That the said regimental or battalion clerk may and shall retain to his own use out of the money so by him received, such further sums as shall complete the allowance herein before made for his salary.

VI. And be it further enacted, That whenever his Majesty's lieutenant, or any three or more deputy lieutenants of any county, riding, or place, shall have fixed the days of exercise for the militia, he or they shall, as soon as may be, certify the same to the receiver general of such county, riding, or place, specifying the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver general is hereby required, within fourteen days after the receipt of such certificate, to issue and pay to the clerk

clerk of the several regiments or battalions, at the rate of seven shillings and six pence *per* day for the captain of each company, and at the rate of three shillings and six pence *per* day for each lieutenant, and of three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and in such counties where there shall be independant companies only, the receiver general of each such respective county shall issue and pay to the captains of the independant companies, at the rate of seven shillings and six pence *per* day for each captain, three shillings and six pence *per* day for each lieutenant, and three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and the said regimental or battalion clerks are hereby required forthwith to pay the proportion of pay belonging to each captain of the said regiments or battalions, the proportion of pay belonging to each captain, and likewise the pay belonging to their respective companies.

the number of men, and days they shall be absent from home. Receiver general to issue thereupon pay for officers and men to the regimental clerk, &c. Where there shall be independant companies only, the receiver general is to issue pay to the captains, according to the rate here set down. Clerk to pay over the money to the respective captains.

VII. And be it further enacted, That the captain of each company shall make up an account of all monies received and paid by him on account of such exercise, according to the following form:

Captains to make up their account according to the following form;

County of	Dr.	Per Contra	Cr.
To cash received of the regimental or battalion clerk, or receiver general, as the case shall be, for days pay of	} men	Paid militia men	}
		days	
		Paid additional pay to corporals	
		days _____	

Which account shall be signed by the said captain, and countersigned by the commanding officer; and such captain shall, within ten days after the time of such exercise, deliver such account, and pay the balance, if there be any due, to the regimental or battalion clerk; or, if captain of an independant company, to the receiver general: and such accounts shall be allowed as sufficient vouchers in the passing of the accounts of such receiver general, at the receipt of his Majesty's exchequer. general. Accounts allowed sufficient vouchers.

VIII. Provided always, and be it enacted, That where any regiment, battalion, or independant company of militia, is or shall be embodied, and called out into actual service, and there- by the officers and private militia men are or shall be intitled by the same pay as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers general of land tax for the county, riding, or place, which

to be signed by them, and countersigned by the commanding officer, and delivered with the balance, to the clerk, or receiver general. During the time the troops are embodied, and called out into actual service, and receive pay as the King's

other forces, all pay and allowances from the receivers general is to cease.

which such regiment, battalion, or independant company of militia shall belong, whether to the adjutants, serjeants, private men, or others; and all money allowed as aforesaid for the contingent expences of such regiment, battalion, or independant company of militia; and also the allowance to the clerk of such regiment or battalion; shall, during such time of actual service, and until such regiment, battalion, or independant company, shall be disembodied, and return home by order of their commanding officers, cease and not be paid.

Receivers general to pay the allowances to clerk of the general meetings, and to the clerks of the subdivision meetings, upon producing orders from the lieutenant or deputy lieutenants. Orders to discharge receivers general.

IX. And be it enacted, That the said receiver or receivers of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings; and shall also pay to each and every of the clerks of the subdivision meetings their several allowances, at the rate of one pound one shilling for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant or deputy lieutenants, assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers general of the land tax, a sufficient discharge for the payment of such allowances, and be allowed in his or their account.

Regimental and battalion clerks to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers general, and put in a suit by them on non-performance of the condition; and they are intitled thereupon to full costs and charges, and 5 l. per cent. of the money recovered; the residue to be accounted for to the auditor.

X. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia, shall give security to the receiver or receivers general of the land tax of the county, riding, or place, to which such regiment or battalion shall belong, by a bond to his Majesty in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time, have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers general of the land tax for the respective county, riding, or place, who, in case the said regimental or battalion clerk shall not duly perform the conditions comprized in the said bond, shall, and is hereby required, forthwith to put the said bond in suit in the name of his Majesty, his heirs, and successors; the full costs and charges of which suit, in case judgement shall be given against such regimental or battalion clerk, shall be paid by him to the said receiver or receivers general of the land tax, who shall likewise be intitled to, and receive to his or their own use, at the rate of five pounds *per centum* out of all such monies as shall be by him or them recovered thereon; and shall account for the residue thereof with the proper auditor of his Majesty's revenue; the said receiver or receivers general of the land tax charging himself or themselves therewith, upon the next account of the land tax to be by him or them passed.

The regimental and bat-

XI. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independant com-

pany of militia, in every county, riding, and place, within the part of *Great Britain* aforesaid, shall, between the twenty fifth day of *March* and the twenty fourth day of *June*, one thousand seven hundred and sixty six, deliver to the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company shall belong, a fair account in writing, of all monies by him received and disbursed for the service of the preceding year, in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers general of the land tax, any surplus of such monies that shall then be in his hands; which said accounts signed by such regimental or battalion clerk, or by such captain of an independent company respectively, shall be transmitted by the said receiver or receivers general of the land tax, into the office of the proper auditor of his Majesty's revenue.

talion clerks, and captains of independent companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office.

XII. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money, for which any person or persons is or are by this act made answerable, may, and shall be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoin, wager of law, or protection, or more than one imparlance, shall be allowed.

Recovery of penalties, &c.

XIII. Provided always, and be it enacted, That no fee or gratuity whatsoever, shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to, or in pursuance of, this act.

No fee payable for any warrant or sum of money issued in pursuance of this act.

XIV. Provided always, and be it enacted, That any person being on half-pay, and serving in the militia, shall and may, and he is hereby impowered to receive and take the subsistence-money by this act directed to be paid to captains, lieutenants, or ensigns; and the receiving and taking such subsistence-money by any such captain, lieutenant, or ensign, shall not be deemed a receiving or taking pay, so as in any manner to prevent such person on half-pay receiving his half-pay; and such person shall take the following oath before some justice of the peace, who is hereby impowered to administer the same; they taking the following oath before

Officers on half-pay serving in the militia, may receive the subsistence-money payable to lieutenants or ensigns, a justice.

I A. B. do swear, That I had not, between the any place or employment of profit, civil or military, under his Majesty, besides my allowance of half-pay as a reduced in late regiment of save and except my subsistence as a lieutenant or ensign, as the case may be, for serving in the militia of the county of

The oath.

And the taking the said oath shall be sufficient to intitle such person to receive his half-pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the commanding officers of every regiment, battalion, or independent

Within 30 days after exercising any regiment, &c.

a return is to be made by the commanding officer, to one of the secretaries of state, of the officers and men enrolled, and serving at the time of such exercise.

independent company of militia, which shall be raised and trained pursuant to the laws now in force, shall, and they are hereby respectively required, from time to time, within thirty days after the exercising of every such regiment, battalion, or independent company, shall be finished, pursuant to the directions of the laws now in being in that respect, transmit to one of his Majesty's principal secretaries of state a compleat return, signed by every such commanding officer, of the several officers, non-commissioned officers, and private men, who were actually inrolled, and did serve, in every such regiment, battalion, or independent company, at the time the same were so exercised as aforesaid, in manner and form following :

Return of a Regiment of Militia at Annual Exercise.

	Commissioned Officers					Staff Officer	Non Commissioned Officers			Private		
	Colonel	Lieutenant Colonel	Major	Captains	Captain Lieutenant	Lieutenants	Ensigns	Adjutant	Serjeants	Corporals	Drummers	Private
Present												
Absent												
Wanting to compleat												

XVI. And whereas it sometimes happens, that persons engaged to serve in the militia, for a certain time, do enlist in his Majesty's regular forces, whereby the regiment, into which they enlist themselves, is defrauded of the enlisting money, and other inconveniences ensue; to prevent the same more effectually for the future, be it therefore enacted, That from and after the twenty fourth day of June, one thousand seven hundred and sixty six, any militia man enlisting himself into any of his Majesty's other forces shall, over and above any penalty or punishment to which such militia man is now liable, be deemed to be legally enlisted; and shall, from the day in which his engagement to serve in the militia shall end, belong, as a soldier, to such corps of his Majesty's other forces into which he shall have enlisted during the time that he was engaged to serve in the said militia; and shall, till regularly discharged, be liable to all the duties of a soldier, and to all the pains and penalties inflicted by the act for punishing mutiny and deser-

Militia man enlisting into any of the King's other forces, after completing his time of service in the militia, is to serve as a soldier in the corps into which he enlists.

desertion, and the better payment of the army and its quarters.

XVII. And be it further enacted by the authority aforesaid, That the receiver general of the land tax, so soon as he shall receive a warrant under the hand of the colonel or commanding officer of their respective regiments or battalions, certifying the receipt of the cloathing, and an order from the said colonel or commanding officer for the money due on account of the same, payable to the person or persons who furnished the said cloathing, shall pay the sum mentioned in such order to the person intitled to receive the same; and such warrant and order, together with the receipt of the person receiving the said money, shall be a sufficient discharge to such receiver general.

Receiver general upon receiving a warrant from the commanding officer, certifying the receipt of the cloathing, and an order for payment, is to pay the same accordingly.

XVIII. And be it further enacted by the authority aforesaid, That in case any regiment, battalion, or independant company, shall cease and determine, during the continuance of this act, the sum of three shillings *per diem* shall be paid to such person as has actually served as adjutant to such regiment, battalion, or independant company, from the time such regiment, battalion, or independant company shall cease, to the twenty fifth day of *March*, one thousand seven hundred and sixty seven.

If any regiment, &c. shall cease, 3 s. per diem, is to be paid to the adjutant from such time to 25 March, 1767.

XIX. And whereas by an act made in the second year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia, within that part of Great Britain called England, it is enacted, That in all counties and places where the militia shall not have been raised in pursuance of the former acts relating thereto, and where it should not be raised in pursuance of the said act, the sum of five pounds should be annually paid, in lieu of every private man to be raised within the same; and his Majesty's lieutenant of every such county, riding, or place, or three or more deputy lieutenants, at the expiration of every year in which such militia should not have been raised, from and after passing the said act, should, from year to year, certify the same in writing under his or their hands, and also the whole amount of the several sums of five pounds per man, to be raised on such county, to the justices at their general quarter sessions next held after the end of the said year; and that the said justices should thereupon forthwith rate and assess on such county, riding, or place, the sums mentioned in such certificate; the same to be assessed, collected, levied, paid, and accounted for, in the same manner, in all respects, as the county rates are, by an act of the twelfth year of the reign of his late majesty King George the Second, or any other act or acts of parliament, to be rated, assessed, collected, levied, paid, and accounted for; and that the said rates should be paid by the treasurer of such county to the receiver general thereof, whose receipt should be a sufficient discharge for such payment: and whereas by another act made in the fourth year of the reign of his present Majesty, intituled, An act to explain and amend an act passed in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great

Recital of clauses in act 2 Geo. 3.

Act 4 Geo. 3.

Great

Great Britain called England; it is enacted, That where the militia had not been raised, or should not be raised, for any county or riding within which any city, or town, or place, shall not be rated to the county rate, the said payment of five pounds per man upon the whole number of private men, to be directed to be raised within any county or riding, should be apportioned between such county, city, town, or place, in the proportion their respective quotas paid to the land tax bear to each other: and that the sums so apportioned should be paid out of the poors rate collected within such city, town, or place, in manner prescribed by the said acts of the second year of his said Majesty's reign, by the churchwardens and overseers of the poor, to the treasurer of the county, who is to pay over the same to the receiver general thereof, together with the proportion of the said sum of five pounds per man, to be paid by such county, riding, or place: and whereas by another act made in the fifth year of his present Majesty's reign, intituled, An act to explain, amend, and enforce, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England, it is enacted, That the lieutenants of every county, riding, or place, wherein the militia should not have been raised, or should not continue to be raised, in pursuance of the several acts for raising and training the militia, should certify under their hands yearly, to the justices at their general quarter sessions to be held next after the second Tuesday in May in each year, that the militia had not been raised for such county or place the preceding year, and the whole amount of the several sums of five pounds per man, to be raised on such county or place; and in that case, of the absence of his Majesty's lieutenant in parts beyond the seas, three or more deputy lieutenants should be appointed to certify as aforesaid; and if there should be no lieutenant, then three or more deputy lieutenants to be appointed by his Majesty's sign manual, should be authorized to proceed in the execution of the said acts; and in case his Majesty's lieutenant should be beyond the seas, and no deputy lieutenants should be appointed to certify as aforesaid, then the clerk of the peace for each county, riding, or place, should make such certificate as aforesaid; and the said act contains several directions for enforcing the payment of the said five pounds per man, by such counties or places where the militia have not been raised, or shall not continue to be raised, in pursuance of the said acts: and whereas the said several acts have been found defective and ineffectual, and, notwithstanding the direction therein, several of the counties, within that part of Great Britain called England, have neither raised any militia, nor paid the said five pounds per man per annum, according to the directions of the said several acts, whereby they avoid contributing equally to the support of government with such counties as have raised and trained the militia in compliance with the directions of the said acts: and whereas it is just and reasonable that all his Majesty's subjects should contribute equally to the support of his Majesty's government, and the defence of these kingdoms; be it therefore enacted by the authority aforesaid, That so much of the said several in part recited acts as directs the said certificates to be made by his Majesty's lieutenants, or deputy lieutenants, or clerks of the peace, where

and act 5
Geo. 3.

So much of the recited acts, as directs certificates to be made by the lieutenants, dep. lieuts. or clerks of

where the militia hath not been raised in pursuance of the said acts, and the time of making such certificate, shall be, and the same is hereby declared to be, repealed.

the peace where the militia hath not been raised, &c. is repealed.

XX. And be it further enacted by the authority aforesaid, That his Majesty's lieutenant, or three deputy lieutenants, for every county, riding, or place, within that part of *Great Britain* called *England*, where the militia has been or shall have been raised, shall, yearly and every year, on or before the twenty fifth day of *December*, certify to the clerk of the peace of every county, riding, or place respectively, that the militia of such county, riding, or place, hath been raised; and when and at what time the same was first raised; the number and rank of officers, and the number of private men of the militia, in the year when such certificate is made; and the respective times of such militia being trained and exercised in the year in which such certificate is made; which certificate shall be by the clerk of the peace, who shall receive the same, delivered to the justices of the peace at their general quarter sessions to be held next after the twenty fifth day of *December* in every year, on the day on which such sessions shall be opened; and shall file the same amongst the records of such sessions, so that the true state of the militia in each county may appear.

Where the militia has been, or shall be raised, the lieuts. or dep. lieuts. are to certify the same yearly to the clerks of the peace, with such other particulars as are here mentioned; and the clerks are to deliver the same to the justices at their general quarter sessions, and file them amongst the records of such sessions:

among the records of such

XXI. Provided always, and be it further enacted, That in every county, riding, or place, wherein no such certificate from his Majesty's lieutenant, or three deputy lieutenants, shall be delivered to the clerk of the peace as aforesaid, that the clerk of the peace of every such county, riding, or place, shall, and is hereby required, at the general quarter sessions of the peace to be held next after the twenty fifth day of *December* in such year, to certify under his hand and seal, to the justices of the peace so assembled at their said general quarter sessions, on the day such sessions shall be opened, that he hath not received from his Majesty's lieutenant of the said county, riding, or place, or any three deputy lieutenants thereof, any such certificate as is herein before directed to be by them made; and such clerk of the peace is hereby directed to file such certificate amongst the records of such sessions.

and where no such certificate shall be delivered from the lieut. or dep. lieuts. the clerks of the peace are to certify the same to the said sessions,

and file such certificates;

XXII. And it is hereby enacted, That in every county, riding, and place, in which no such certificate shall be made by his Majesty's lieutenant, or three deputy lieutenants, in manner herein before directed, and the same shall be certified by the clerk of the peace as aforesaid, the justices of the peace of every such county, riding, or place, shall, and they are hereby required at their said general quarter session of the peace to be held next after the twenty fifth day of *December* in every year, to rate and assess the sum of five pounds *per man* upon such county, riding, or place, in such and the same manner according to such and the same proportions upon every town, parish, and place, within each respective county, riding, or place, to be collected, levied, received, and accounted.

and the justices are thereupon to assess 5l. per man upon such county or place,

to be levied and account-

ed for as the county rates, according to act 12 Geo. II. or acts 2, 4, & 5 Geo. III.

the said payment to be in full discharge for neglect of not raising and training the militia. Treasurer of the county to pay the money to the receiver general;

who is to certify the receipt thereof to the treasury, and pay over the money into the exchequer.

No fee to be given for money paid to the receiver general, or into the exchequer, or issued thereout.

Clerks of the peace are to transmit to the treasury, and receivers general, copies of the certificates delivered in pursuance of this act;

and where none such are delivered, are to certify the same accordingly; together with the proceedings of the sessions, in re-

accounted for, in such manner, and by such means, as the county rates have been usually, or may, by an act made in the twelfth year of the reign of his late majesty King George the Second, intituled, *An act for the more easy assessing, collecting, and levying, the county rates*; or by the acts of the second, fourth, and fifth years of his present Majesty's reign, for explaining, amending, and enforcing, the several laws relating to the raising and training the militia within that part of *Great Britain* called *England*, be assessed, collected, levied, received, and accounted for; which said payment of five pounds *per man* shall be, and is hereby declared to be, in full discharge for the neglect and failure of not having raised and trained the militia for such county, riding, or place, for the year then next preceding; and the treasurer or treasurers of the county, riding, or place, who shall receive the said five pounds *per man*, is and are hereby required to pay the same to the receiver general of the land tax for such county, riding, or place, within one calendar month after he or they shall have received the same; and the respective receivers general of the land tax shall give a receipt for the same to the person paying such money, whose receipt shall be a sufficient discharge for such payment; and shall, within ten days after the receipt of such sum and sums of money, certify such receipt to the lord high treasurer, or the lords commissioners of his Majesty's treasury for the time being, and shall pay the same into the receipt of his Majesty's exchequer, and in the same manner as he is required to pay in the taxes or duties, commonly called *The land tax*.

XXIII. Provided always, and be it further enacted by the authority aforesaid, That no fee or gratuity whatsoever shall be given or paid for or upon account of any warrant which shall be made out for any sum of money which shall be received by such receiver general, or paid into his Majesty's exchequer, or issued thereout, in relation to, or in pursuance of, this act.

XXIV. And be it further enacted by the authority aforesaid, That such clerks of the peace of each respective county, riding, or place, shall, and they are hereby required, within fourteen days next after the general quarter sessions of the peace to be held after the twenty fifth day of *December* yearly, to transmit to the lord high treasurer, or the commissioners of his Majesty's treasury, for the time being, and also to the receiver general of the land tax for such county, riding, or place, a copy, signed by such clerk of the peace, of every certificate which shall have been delivered in pursuance of this act; and in case no such certificate shall have been delivered in, then such clerks of the peace shall certify to the lord high treasurer, or to the commissioners of his Majesty's treasury, and also to such receiver general, that no such certificate from his Majesty's lieutenant, or any three deputy lieutenants, hath been received by him, and that he hath certified the same to the justices of such general quarter sessions; and shall also certify what proceedings have been had at such general quarter sessions, in relation to

the assessing and rating the said sum of five pounds *per man* where the militia shall not have been raised.

lation to assessing the penalty.

XXV. And be it further enacted by the authority aforesaid, That if any clerk of the peace shall refuse or neglect to receive, deliver, file, make, record, or transmit, such certificates as aforesaid, or any of them, according to the true intent and meaning of this act; every such clerk of the peace so offending shall, for every such offence, forfeit and pay the sum of five hundred pounds, to any person who shall inform or sue for the same in any of his Majesty's courts of record at *Westminster*, or the courts of great sessions in the principality of *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*; wherein no essoin, protection, wager of law, nor more than one imparlance, shall be allowed; and shall also forfeit his office, and shall be rendered incapable of having, receiving, or holding, such office for the future, or any other place or office of trust, civil or military, under the government.

Clerk of the peace neglecting his duty in the premises, forfeits 500*l*.

and his office, and is disabled.

XXVI. And be it further enacted by the authority aforesaid, That in case there shall be any failure of raising or paying the several sums of money charged by this or the said former acts upon any county, riding, or place, where the militia shall not have been raised; the receiver general of such county, riding, or place, respectively, shall, on or before the twenty fourth day of *June* in every year, certify under his hand to the barons of the court of exchequer each particular county, riding, division, or place, where such failure of payment hath happened; whereupon the said court of exchequer shall forthwith award the proper process to issue against the treasurer or treasurers of such county, riding, division, or place, where such failure shall have happened, in the same manner as any person or persons is or are liable to process for failure of payment of the rates and duties commonly called *The land tax*, for paying the said sum of five pounds *per man*; which said sum every such treasurer and treasurers is and are hereby directed and required to pay into the receipt of his Majesty's exchequer, out of the county stock then in his, her, or their hands; and if he or they shall not then have sufficient for that purpose, out of the first money which shall come to his or their hands of the said county stock; and the auditor of his Majesty's exchequer, into whose office such sum or sums shall be paid, pursuant to the directions of this act, shall, and is hereby required to give to such treasurer or treasurers, or other person or persons paying the same on his or their behalf, a receipt for the same signed by such auditor; which receipt so signed shall be, and is hereby enacted to be, a sufficient discharge to such county, riding, division or place, for such sum or sums of money so paid into the receipt of his Majesty's exchequer.

Where there shall be a failure of raising or paying the sums chargeable for not raising the militia, the receiver general is to certify the same into the court of exchequer; and process is to issue thereupon against the treasurer of the county; who is to pay such sums into the exchequer, out of the county stock;

and the auditor is to give a receipt for the same.

XXVII. And be it further enacted, That the solicitor to the lord high treasurer, or to the commissioners of his Majesty's treasury for the time being, shall, and he is hereby directed and required, with all due diligence, to prosecute with effect such

Solicitor to the treasury is to prosecute to effect treasurers making default.

treasurer or treasurers as shall make default in payment as aforesaid.

Justices at their general quarter sessions are to assess a sum sufficient for reimbursing the treasurer :

XXVIII. And be it further enacted by the authority aforesaid, That the justices of the peace for such county, riding, or division, at their next general quarter sessions to be holden after any such payment made by any treasurer or treasurers as aforesaid, shall, and they are hereby required, to assess, and cause to be levied, a sufficient sum of money to reimburse such treasurer or treasurers all such sum or sums of money as he or they shall have paid on such account; to be assessed, collected, and levied, in the same manner as other county rates are directed to be assessed, collected, and levied.

The assessments to be made according to the provisions in the act of 4 Geo. III.

XXIX. Provided always, and it is hereby enacted, That the justices of the peace for such county, riding, or division, at their said general quarter sessions, shall, and are hereby impowered, to assess and levy, on every city, town, and place, which is not contributory to, or doth not pay to, the county rates of such county, riding, or division respectively, such proportion of the money so paid by such treasurer or treasurers in manner herein directed, according to the provisions and directions of an act made in the fourth year of his present Majesty's reign, for explaining and enforcing the several laws now in being relating to the raising and training the militia for and in that part of *Great Britain* called *England*.

The money paid into the exchequer, to be kept separate and apart from all other monies; and to be applied as is directed by act 2 Geo. III.

XXX. And be it further enacted by the authority aforesaid, That all such sum or sums of money as shall be raised and paid into his Majesty's exchequer at *Westminster*, in pursuance of and by virtue of this act, and in manner herein before directed, shall be kept separate and apart from all other monies, and shall be paid, applied, and disposed of, in such manner as is directed in and by an act of the second year of his present Majesty's reign, for explaining, amending, and reducing into one act of parliament, the several laws then in being, relating to the raising and training the militia within that part of *Great Britain* called *England*.

C A P. XXXI.

An act for taking down and removing certain light-houses now standing near the Spurn Point, at the mouth of the Humber, and for erecting other fit and convenient light-houses instead thereof.

Preamble reciting letters patent of 28 Car. II,

WHEREAS, his late majesty King Charles the Second, by his letters patent, bearing date at Westminster the twenty fifth day of October, in the twenty eighth year of his reign, reciting therein, that his said Majesty had been informed, by the petition of several persons therein named, that they, and other masters of ships using the northern coasts, had had great losses at sea, near the mouth of the Humber, upon a very broad long sand, thrown up and discovered about six or seven months then since, by reason whereof they sailed in great danger in the night; and considering that lights erected upon the Spurn Point, at the mouth of the Humber, would for the future

future prevent such danger, they applied to Justinian Angell of London, merchant, he being proprietor of a piece of ground fit for such purpose; and proposed, that if he would erect two lights upon the said ground, they would contribute to pay him towards the charges and maintenance thereof, one farthing a ton; and reciting, that the said Justinian Angell had accordingly erected two lights, which the said petitioners found to be of great benefit, and an absolute safety to all navigators on that coast, there being no ground upon all the coast that any light could be erected upon to do any service to the navigators, tending to the aforesaid sands and harbour, but the aforesaid place; therefore they prayed his said Majesty to grant to the said Justinian Angell full power to kindle and maintain the said lights; and the master, wardens, assistants, and elder brethren, of the Trinity house of Newcastle, having examined, and certified to his said Majesty, the necessity of the said lights, and that the same would be of great benefit to navigation, his said Majesty, for promoting and continuing so good a work, and for the safety of his subjects, was pleased to grant to the said Justinian Angell, his heirs, and assigns, full and free liberty and authority to continue, renew, and maintain, the said light-houses with lights, to be continually burning therein in the night season, whereby the said ships might the better come to their ports without peril; and for defraying the necessary charges and constant maintenance of the said light-houses, his said Majesty was pleased to declare and grant, that for ever thereafter there might be collected and taken, and that the said Justinian Angell, his heirs, and assigns, might collect, have, and take, for every ship or vessel passing by the said light-house, and belonging or trading to the ports of Newcastle or Sunderland, or any of the creeks or members thereof, one farthing the ton, according to the burthen of such ships or vessels; to hold the said liberties, powers, and authorities, contributions, duties, and sums of money, to the said Justinian Angell, his heirs, and assigns for ever, as fully, to all intents and purposes, as the masters of the Trinity house at Deptford Strond, in Kent, or any other person or persons, any the like licences, powers, and authorities, then had, held, or enjoyed, or might have, hold, or enjoy, in any other place or places, subject to the yearly rent of five pounds, in manner in the said letters patent mentioned; and his Majesty was also pleased thereby to grant divers other powers and authorities relative to the collecting and receiving the said duties; but in the said letters patent it is provided, that if at any time thereafter it should be made appear to his said Majesty, his heirs, or successors, that such grant was prejudicial or inconvenient, or not of publick use or benefit, then, upon signification or declaration to be made by his said Majesty, his heirs, or successors, under his or their signet or privy seal, of such prejudice or inconvenience, the said letters patent were to be void and determine: and whereas by certain other letters patent, bearing date at Westminster the fourteenth day of June, in the thirtieth year of the reign of his said late Majesty, reciting (among other things) that the said Justinian Angell having complained to the petitioners, in the said letters patent named, that the said receipt of one farthing a ton would not maintain the said light-houses, they had considered the charge of maintaining the said

light-house, and of the other light by him since erected and added, and that the said petitioners had requested his said Majesty to grant a further duty for the maintenance of the said lights; his said Majesty, for the necessary charges and constant maintenance of the said light-houses, was pleased to declare and grant, that, for ever thereafter, there might be collected and taken, and that the said Justinian Angell, his heirs, and assigns, might, from thenceforth, have, collect, and take, for every ship or vessel passing by or crossing the said light-houses, whether outward or homeward bound, and belonging and trading to any of the ports and creeks aforesaid, or any ways northward, the further and additional sum of one farthing a ton, more than he ought to receive by virtue of the said first mentioned letters patent, for all English ships or vessels; and also one penny per ton for all foreign bottoms; to hold the same to the said Justinian Angell, his heirs, and assigns, for ever, at the yearly rent of five pounds, payable as in the said letters patent is mentioned, and subject to a like proviso as is contained in the said first mentioned letters patent: and whereas Edward Thompson, late of the city of York, esquire, (since deceased) being owner and proprietor of one fourth part of the land whereon the said light-houses were erected, and of other land there, containing about ten acres; and likewise of one fourth part of the said light-houses, and of all dues, duties, sum and sums of money, benefits, advantages, and profits, whatsoever, to be had, gotten, or received, for and in respect of the said lights, or either of them, which had descended to him from his ancestors, by whom the same was formerly purchased; did, by his last will and testament, duly executed, bearing date the twenty third day of November, one thousand seven hundred and forty nine, after charging his real estate with the payment of all his just debts and funeral expences (in case his personal estate was not sufficient to pay the same) and after giving several very considerable annuities, payable out of his real estates, and several legacies, give and devise to Thomas Busfield, and Leuyns Boldero esquire, and their heirs, all and singular his manors, messuages, farms, lands, tenements, hereditaments, and premisses, whatsoever and wheresoever, to hold to them, their heirs and assigns, to the use of his nephew Leonard Thompson, of Sheriff Hutton in the said county of York, esquire, and his assigns, during his life, without impeachment of waste, and remainder to the said trustees and their heirs, during the life of the said Leonard Thompson, to preserve contingent remainders; with remainder, after the death of the said Leonard Thompson, to Solomon Fell, gentleman, for one thousand years, on certain trusts in the said will mentioned; with remainder to the first and other sons of the said Leonard Thompson, in tail male, with divers remainders over: and whereas, notwithstanding at the time of erecting the said light-houses, the ground on which they were built was very near the Spurn Point, and was then the most proper situation for answering the good purposes for which the same were erected; yet by the flowing and ebbing of the sea since the time of their erection, part of the ground at or near the Spurn Point has been washed away, and other ground hath been left and thrown up, so that the light-houses now stand at a considerable distance from the point of the Spurn, by reason

reason whereof the masters of vessels are deceived, and many very great losses have lately happened to ships and vessels employ'd in the northern navigation, to the great detriment of several branches of trade in this kingdom: and whereas it is absolutely necessary for the safety of the northern navigation, that two new light-houses should be erected in a proper place nearer to the Spurn Point than the place where the present light-houses stand: and whereas John Angell, now of Stockwell, in the county of Surrey, esquire, as owner of three fourth parts of the said light-houses, revenues, duties, and profits, having had frequent applications made to him, or his agents, by the corporations of the Trinity houses at Deptford Strond, and Kingston upon Hull commonly called Hull, and also by the said Leonard Thompson; and all possible means having been used to prevail on him to change the situation thereof, in such a manner as that they may answer the good ends and purposes for which they were originally designed, hath, from time to time, wholly neglected or refused so to do, or to contribute his proportion of the expence of taking down and removing the said present light-houses, and of erecting and building others in the stead thereof as aforesaid; whereby, and by petitions to his Majesty for that purpose, and by references thereon, the said corporations, and also the said Leonard Thompson, have been put to considerable charges and expences: and whereas the said Leonard Thompson is ready and willing to take down and remove the said present light-houses, and to erect and build others instead thereof, in such place or places near to the present point of the Spurn, and in such manner and form as shall be thought most proper and convenient by the said corporation of the Trinity house of Deptford Strond, and under their inspection and direction, upon his being enabled to borrow and raise money for that purpose, and for repaying to the said corporations of the Trinity houses of Deptford Strond and Hull, and him the said Leonard Thompson respectively, their said respective charges and expences incurred concerning the said light-houses, and also for defraying the charges of soliciting and obtaining this present act; and so that the three fourth parts of the said revenues, duties, and profits, belonging to the said John Angell, may be a redeemable interest in him, or the person or persons intitled thereto, on his or their paying the whole amount of the said expences of the said corporations of Deptford Strond and Hull, and of him the said Leonard Thompson, and the interest thereof, and three fourth parts of the expences of obtaining this act, and removing and rebuilding the said light-houses, and the interest of such three fourth parts, to the person or persons who shall advance and lend the same, his, her, or their executors, administrators, or assigns; but by reason of the estate and interest which the said John Angell hath in the said three-fourth parts of the said lands, light-houses, revenues, duties, and profits, and by reason that the said Leonard Thompson is only tenant for life, with such remainders over as aforesaid in the said fourth part of the said premises, the purposes aforesaid cannot be effected without the aid and authority of parliament: therefore, for promoting a work so conducive to the safety of his Majesty's subjects, and to remedy to great a detriment to

New light-houses to be built, and the old ones taken down.

trade and navigation; may it please your Majesty, at the humble suit of the said *Leonard Thompson*, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said *Leonard Thompson*, and other the person or persons who shall, for the time being, be intitled to his fourth part of the duties and profits hereby granted or continued, by and under the said recited will of the said *Edward Thompson*; and he and they are hereby authorized and required, with as much speed as conveniently may be, after the first day of *June*, one thousand seven hundred and sixty six, to erect and build, or cause to be erected and built, two new and sufficient light-houses, with suitable offices and conveniencies, at or near the said *Spurn Point*, and according to such plan and estimate, as the master, wardens, and assistants, of the said corporation of the Trinity house of *Deptford Strond*, shall, by writing under their common seal, specify, appoint, and approve of; and, for that purpose, to take down the said present light-houses, and to make use of all or any part of the materials thereof, or otherwise to sell and dispose of the same, and to apply the money arising therefrom towards building such new light-houses; and, in the mean time, and until the said new light-houses shall be completed, to erect and continue two temporary lights, as near as may be to the respective places where the said new light-houses shall, as aforesaid, be appointed to be built; and also to keep sufficient lights and fires burning continually in the night-season, so as to answer the purposes intended by this act for the benefit of navigation; and, from time to time, to enlarge, contract, alter, or remove, the said new light-houses, or either of them, as occasion may require, with the consent and by the direction of the same corporation, to be signified as aforesaid; and for any of the purposes aforesaid, to enter upon and use such part or parts of the land at or near the *Spurn Point*, (be it the soil or ground of the King's most excellent majesty, his heirs, or successors, or of any other person or persons, bodies politick, corporate, or collegiate) as the corporation of the Trinity house of *Deptford Strond*, shall, from time to time, by writing under their common seal, appoint.

Light-houses to be under inspection of the Trinity houses of Deptford Strond and Hull.

II. *And, to the end that those purposes may be better attained, and that the management of the said light-houses may not be neglected or badly conducted;* be it hereby further enacted by the authority aforesaid, That from and after the erecting and building the said light-houses, the same shall, from time to time, and at all times thereafter, be subject to the visitation and inspection of the said corporations of the Trinity houses of *Deptford Strond* and *Hull*, for the time being, or either of them, who may enter into the same, and examine whether they are well and sufficiently repaired and maintained, so as to answer the purposes aforesaid; and shall and may leave notice or warning in writing, with the keeper

keeper or keepers of the said light-houses, requiring such defects or wants of reparations, as shall be found therein, to be remedied and amended within forty days from the delivery of such notice or warning as aforesaid.

III. And be it further enacted by the authority aforesaid, That in case the said light-houses, to be erected pursuant to this act, shall be at any time not kept duly lighted and properly attended; it shall and may be lawful for the corporation of the Trinity house of *Hull*, to examine into such neglects, and effectually to remedy the same; and also to depute and appoint some fit and proper person or persons to enter into the said light-houses, or either of them, with full power and authority to remain therein, until such neglects shall be remedied in such manner as the said corporation shall think necessary; and the owner or owners of such light-houses shall, and they are hereby required to pay and satisfy the said corporation all such charges and expences as shall be thereby incurred; and in default of payment thereof, within one month after the same shall be demanded of the said owner or owners for the time being, it shall and may be lawful for the collector or collectors of the duties by this act directed to be received, to pay and satisfy the same to the said corporation, and is and are hereby declared to be indemnified for so doing; any thing herein contained to the contrary notwithstanding.

Trinity house of Hull to see that they are properly attended.

IV. And be it further enacted by the authority aforesaid, That from and after the erecting and compleating the said new light-houses, according to the said plan, and the kindling and placing lights therein, for the benefit of navigation; the said *Leonard Thompson* and *John Angell*, according to the proportionate share, estate, and interest, which they now respectively have in the said present light-houses; and the duties granted by the said recited letters patent, and the persons who shall, for the time being, after their several deceases, be intitled to the same, and their agents, collectors, and deputies, or other person or persons by them appointed, may (subject nevertheless to such mortgage and mortgages as shall be made thereof, by virtue of the power herein after given) from thenceforth collect, have, and take, of and from the several persons, who are now or hereafter may be liable to pay the same, the several and respective duties which have been usually taken and collected by and under the said patents before recited, and no others.

Duties.

V. And, to the intent the said duties may be truly answered and paid, be it further enacted by the authority aforesaid, That no customer, collector, comptroller, surveyor, searcher, or waiter, nor any of their respective clerks, within any of his Majesty's ports, havens, creeks, or harbours, belonging to the northern coasts aforesaid, or elsewhere; nor any captain, lieutenant, or other officer belonging to them, or any of them; nor any warden, port reeve, or keeper, of any of his Majesty's said ports, roads, harbours, and havens; nor any wharfinger, porter, or harbourer, belonging to the water-side; nor any officer of the

Method for securing payment of the duties,

customers belonging to his Majesty, or to his heirs and successors, now being, or which for time hereafter shall be in the said ports, harbours, roads, creeks, havens, and places; shall any of them at any time hereafter take or receive any entry or coquet, or give, make, or certify any coquet, return, or victualling bill, or discharge or permit any goods or stores to be laid on land, or discharged or shipped, out of or from any of the said ships, or suffer any ships or other vessels trading or liable to the payment aforesaid, to pass by or from them without a ticket or note under the hand writing of the person or persons in whom the said duties are vested by this act respectively, his, her, or their agents or deputies, testifying the payment of the said several allowances and sums hereby respectively granted.

and for recovering the same.

VI. And be it further enacted by the authority aforesaid, That every collector and collectors, or any other person or persons authorized and deputed by the person or persons in whom the said duties are hereby vested, shall and may, for the better management and collection thereof, have a place in all custom-houses in the ports and places where the same are or shall be collected.

Recompence to owners of grounds.

VII. *And whereas it is reasonable that a proper satisfaction and recompence should be made to William Constable, of Burton Constable in the county of York esquire, or to such other person or persons who now is or are, or hereafter shall be, owner or owners of the soil or ground whereon such new intended light-houses, suitable offices or conveniencies, shall or may hereafter be built; be it therefore enacted by the authority aforesaid, That the duties hereby granted or continued, shall for ever hereafter be charged and chargeable with and subject and liable to the payment of the sum of one hundred pounds yearly, clear of all taxes and deductions whatsoever, unto the said William Constable, his heirs or assigns, or other owner or owners of such soil or ground for the time being, his, her, or their heirs or assigns, by four equal quarterly payments; such payments to be made by the collector or collectors of the said duties at Kingston upon Hull, for the time being, out of the first monies that shall come to his or their hands; the first payment thereof to be made on the twenty fifth day of December, one thousand seven hundred and sixty six; and in default of payment of the said yearly sum, or any part thereof, for the space of twenty days next after the days appointed for payment thereof, it shall and may be lawful to and for the said William Constable, his heirs or assigns, or the owner or owners of the soil or ground for the time being, or his, her, or their heirs and assigns, to recover by action of debt in any of his Majesty's courts of record at Westminster, from the said collector or collectors of the said duties within the port of Kingston upon Hull aforesaid, so much of the said yearly sum as shall remain unpaid as aforesaid, together with all costs and charges attending the recovery of the same: but in case there shall be no collector of the said duties at the said port of Kingston upon Hull, or there shall not be sufficient money in his or their*

their hands arising from the said duties to answer such purposes; then it shall and may be lawful to and for the said *William Constable*, his heirs and assigns, and such other owner or owners as aforesaid, from time to time, and his, her, and their heirs and assigns, to collect, have, and take, the duties by this act authorized to be received by the proprietors of the said duties, of such persons, and in such manner, as the same are herein before authorized to be collected and taken, until therewith or otherwise all such arrears, together with the costs and charges attending such collection, shall be fully paid and satisfied.

VIII. *And, to the end that the completion of so necessary a work may not be obstructed by the said John Angell's persisting in his refusal to co-operate with the said Leonard Thompson therein, and for the enabling the said Leonard Thompson, or other person or persons who shall come into possession of his share and interest in the said premises, to discharge and reimburse to the said corporations of the trinity houses of Deptford Strond and Hull, and to him the said Leonard Thompson respectively, the expences which they and he have respectively been put to on the occasions aforesaid, and to discharge the expences of soliciting and obtaining this present act; (all the said expences to be ascertained and allowed by the commissioners herein after named, or any three or more of them) and to raise money sufficient for the taking down the said present light-houses, and erecting and building the said temporary lights and new light-houses, according to the plan and estimate of the said corporation of the trinity house of Deptford Strond, as herein before directed (and in and by which plan and estimate the sum of money for that purpose shall be fixed and ascertained under the common seal of the same corporation) be it hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Leonard Thompson, or other person or persons in possession of his said fourth part, to borrow and raise any sum or sums of money, not exceeding in the whole the amount of the aforesaid expences and estimate ascertained in manner as aforesaid; and for securing the repayment of the said sum or sums of money so to be borrowed, with interest for the same, to grant, mortgage, lease, or demise, the ground, which shall be assigned in manner aforesaid, for erecting the said light-house thereon, together with the light-houses which shall be erected thereon, with their appurtenances, and the duties, and profits, hereby granted, unto such person or persons as shall advance and lend the same respectively, for any term or number of years, not exceeding five hundred years; so as such grant or demise be made with a proviso or condition to be void, or with an express covenant to be surrendered, as to the three fourth parts of the said John Angell, upon payment by him, or other the person or persons who for the time being shall be intitled to the same, of the whole amount of the said expences of the said corporations of Deptford Strond and Hull, and of him the said Leonard Thompson, and the interest thereof, and three fourth parts of the expences of obtaining this act, and removing and rebuilding the said light-houses and temporary lights, and the*

Powers to raise money on credit of the duties.

the interest of such three fourth parts, within the usual time for the redemption of mortgages; and with a proviso or condition to be void, or with an express covenant to be surrendered, as to the fourth part of the said *Leonard Thompson*, on payment, by the person or persons, for the time being, intitled thereto (under the will of the said *Edward Thompson*) of the remaining fourth part of the expences of obtaining this act, and removing and rebuilding the said light-houses, and the interest of such one fourth part; and so as every such grant or demise, so to be made, shall contain a proviso, that the person or persons intitled to the remainder or reversion of the said *Leonard Thompson's* one fourth part of the said duties and profits shall not be liable, upon his, her, or their becoming possessed thereof, to the payment of any larger arrear of interest than for one year preceding the time when the title to such possession shall accrue and commence; and every such grant, mortgage, lease, or demise, to be made in pursuance of this act, and to be registered in the publick office kept at *Beverley* in and for the east riding of the said county of *York*, shall be good, valid, and effectual, in the law, notwithstanding the said *Leonard Thompson's* being only a tenant for life, and notwithstanding any thing in the will of the said *Edward Thompson* his late uncle, to the contrary thereof; and notwithstanding any settlement, will, or other instrument, or conveyance, to the uses or trusts whereof the share of the said *John Angell*, in the said premises and duties, may be subject or liable; and the person or persons who shall advance and lend any money on the security aforesaid, shall not be liable to see to the application, nor answerable for the non-application or mis-application thereof.

Surplus of
money raised,
how to be ap-
plied :

IX. Provided always, That the said *Leonard Thompson*, or other the person or persons hereby impowered to remove and rebuild the said light-houses, shall, within six months next after the removing and rebuilding the same, produce and lay before the commissioners, herein after named, or any three or more of them, a true account of his or their disbursements for or on account of the same (together with the vouchers thereof) to be verified by his or their affidavit or affidavits; and also a true account of all such sum and sums of money as shall have been raised in manner aforesaid, to be in like manner verified; and in case it shall appear that any surplus shall remain in the hands of the said *Leonard Thompson*, or such other person or persons, unapplied for the purposes aforesaid, to be certified under the hands and seals of the said commissioners, or any three or more of them, such surplus shall be paid to such mortgagee or mortgagees, in part of the principal money due upon their respective mortgages, unless the share of the said *John Angell*, of and in the said mortgaged premises, shall have been sooner redeemed; in which case, three fourth parts of such surplus shall be paid to the said *John Angell*, or the person or persons then intitled to his share in the premises, and the remaining fourth part thereof shall be paid in manner before directed; or in case, upon taking the aforesaid accounts before the said commissioners, it shall

In case of de-
ficiency, more
to be raised.

shall appear, that the said *Leonard Thompson*, or other the person or persons hereby impowered to remove and rebuild the said light-houses, shall have expended more money in effecting the purposes aforesaid, than shall have been raised in manner above directed; and the said commissioners, or any three or more of them, shall, in manner aforesaid, certify the particular sum; that then it shall and may be lawful to and for the said *Leonard Thompson*, or such other person or persons, to raise such further sum of money, by the ways and means herein before prescribed, on the credit of the said premises.

X. Provided always, and it is hereby further enacted and declared, That if the said *Leonard Thompson*, or other person or persons who shall come into possession of his share and interest in the said premises, shall neglect or refuse to take down and remove the present light-houses near the *Spurn Point*, and to erect and build other light-houses instead thereof, in the manner herein before directed, or (if required) to give security to the said corporation of the trinity house of *Deptford Strond*, for the due application of the money to be borrowed, within two years after his or their receipt of the said plan and estimate, under the common seal of the said corporation, and their appointment of the place whereon the said light-houses shall be erected; then, and in such case, the said masters, wardens, and assistants, of the same corporation, and their successors, for the time being, shall and may take down and remove the present light-houses, and erect and build other fit and proper light-houses in manner aforesaid, and repair, light, and maintain the same, so as to answer the intention of this present act; or if, after the said *Leonard Thompson*, or such other person or persons, shall have built and completed the said new light-houses, the same shall at any time thereafter be out of repair, so as not to answer the purposes hereby intended, and shall not within the space of forty days after giving or leaving such notice in writing, as herein before is mentioned, be repaired pursuant to such notice; then, and from thenceforth, the said master, wardens, and assistants, and their successors, for the time being, shall, and they are hereby required to cause the said light-houses to be repaired; and from and after the erection of such new light-houses, and placing lights therein by the said corporation, as also from and after their repairing such light-houses as shall or may be built by the said *Leonard Thompson*, or other person or persons intitled to his said share (upon any default as aforesaid) the said duties hereby granted or continued, with the powers and authorities for demanding, collecting, and recovering the same, shall immediately vest in the same corporation, and their successors, who may, from time to time, appoint proper persons to receive the same duties, and thereout reimburse themselves all the expences, costs, and charges, which they shall have sustained in or about the removing, erecting, or repairing, the light-houses which may, as aforesaid, be erected by the said corporation, or in or about the repairing such light-houses as shall or may be built by the said *Leonard*

In default of proprietors, the power of rebuilding, &c. given to the corporation of Deptford Strond;

and the duties vested in them,

until repayment of their expences,

Leonard Thompson, or other person or persons intituled to his said share, upon any default as aforesaid, and all other incident charges, rendering the overplus (if any) to the said *John Angell* and *Leonard Thompson*, according to their said respective proportions and interests therein, or to such other person or persons as shall, for the time being, be intituled thereto; yet nevertheless so as not to affect or prejudice the security or securities which shall have been made by the said *Leonard Thompson*, his heirs, or assigns, by virtue of this act, to the person or persons who shall advance money for the purposes aforesaid, nor the annual rent ascertained for the grounds to be made use of for the purposes of this act; and from and after payment and satisfaction to the said corporation, their successors, or assigns, by receipt of the said duties, or otherwise, shall have been made for all their costs, charges, and expences, in or about the removing, rebuilding, and repairing, the said light-houses, and the receiving the said duties, the power of the receiver or receivers to be appointed by the said master, wardens, and assistants, shall cease and determine; and the said duties shall thenceforth revert in the said *Leonard Thompson* and *John Angell*, according to their said proportionate estate and interest, or in the persons, for the time being, intituled to the same (subject as aforesaid) with the powers and authorities hereby granted for demanding, collecting, and recovering the same.

Commissioners names,

XI. And, for effecting the several purposes herein before referred to commissioners, be it hereby further enacted by the authority aforesaid, That *Henry Willoughby* of *Birdsall*, in the county of *York*, esquire; *Henry Brewster Darley* of *Aldby Park*, in the same county, esquire; *Barnard Foord* of *Hesterton*, in the same county, esquire; *Isaac Broadley* of *Kingston upon Hull* aforesaid, esquire; and *Henry Maister* of the same place, esquire; shall be, and they are hereby constituted commissioners, to execute the powers vested in them by this act.

Power, and office.

Their decrees to be registered at Beverley.

XII. And be it further enacted, That all the orders and determinations so to be made by the said commissioners, shall be set down in writing, under the hands and seals of such of the said commissioners as shall make the same, and shall be entered at length in the public office kept at *Beverley*, in and for the east riding of the county of *York*; and the same, or a true copy or copies thereof, certified as such, under the hand of the register of the said office, or his deputy, shall be taken, deemed, and adjudged good and sufficient proof in all courts of law or equity whatsoever.

Upon death or refusal to act of any commissioner, another may be chosen.

XIII. And be it further enacted, That upon the death or refusal to act of any commissioner hereby appointed, or hereafter to be elected, the surviving commissioners, or any three or more of them, shall and may, from time to time, elect one other commissioner in the room of every such commissioner deceased or refusing to act; and every person so elected shall have the same authority, to all intents and purposes, as if he had been named a commissioner in this act.

XIV. Provided always, and it is hereby further enacted and declared, That nothing in this act contained shall extend, or be construed, adjudged, deemed, or taken, to revoke any will, or to make void, alter, annul, or any ways affect any settlement, mortgage, incumbrance, or deed, which shall have been executed in or before the fourteenth day of *February* one thousand seven hundred and sixty six, or any part thereof, so as to prejudice any person or persons having any right or claim under the same, out of, upon, or affecting the ground whereon the present light-houses stand, or the said light-houses, or the duties granted by the said letters patents; but that all such rites and claims on the said premises and duties shall respectively be and remain a charge and lien on the new light-houses hereby directed to be built, and on the duties hereby granted or continued; and the respective shares and interests of the said *John Angell* and *Leonard Thompson*, of and in the same light-houses, duties, and profits, shall be subject and liable to the same uses, trusts, charges, powers, provisions, limitations, remainders, rents, annuities, services, incumbrances, and demands, as their shares and interests of and in the said present light-houses, and the duties and profits granted by the said letters patents, would have been respectively subject and liable to in case this act had not been made; any thing herein contained to the contrary notwithstanding.

Act not to affect wills, settlements, &c.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen, or prejudice, the right, title, and interest of the said *William Constable*, his heirs, and assigns, as lord or lords of the manor of *Kilnsea*, or as lord or lords of the feignory or dominion of *Holderness*, in the said county of *York*, except so far only as the same is or are hereby bound or affected; any thing in this present act to the contrary notwithstanding.

Reservation of rights of the lord of the manor,

XVI. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prejudice, lessen, or defeat, any of the powers, privileges, immunities, or jurisdictions, of or belonging to the corporation of the trinity house of *Deptford Strand*.

and of the trinity house.

XVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or to be done in pursuance of this act; that then, and in every such case, the action or suit shall be brought within six calendar months next after the fact committed, and shall be laid in the county of *York* and not elsewhere; and the defendant or defendants in such action or suit, so to be brought, shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon: and if the plaintiff or plaintiffs shall become nonsuited, or shall discontinue, his, her, or their action or actions, suit or suits; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs; the defendant or defendants shall and may recover treble costs, and have such remedy for the

Limitation of actions.

General issue.

Treble costs, the

the same as any defendant or defendants shall and may have in any cases by law.

Publick act.

XVIII. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and be judicially taken notice of as such in all courts, and by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXXII.

An act to extend an act made in the fourth year of the reign of King George the First, intituled, An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons and unlawful exporters of wool, and for declaring the law upon some points relative to pirates; to that part of Great Britain called Scotland, so far as the said act relates to the more effectual transportation of felons; and for amending and rendering more effectual the laws for restraining muirburn, in forbidden time, in that part of the united kingdom.

Preamble, re-
citing clauses
in act 4 Geo. 1.

WHEREAS by an act passed in the fourth year of the reign of King George the First, intituled, An act for further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons and unlawful exporters of wool, and for declaring the law upon some points relating to pirates, certain provisions and rules are made and laid down for the more effectual transportation of offenders to his Majesty's colonies and plantations in America, by enabling the court, before whom such persons are convicted, to convey, transfer, and make over such offenders, by order of court, to the use of any person or persons, who shall contract for the performance of such transportation, to him and them, and their heirs and assigns; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer, are declared to have a property and interest in the service of such offenders, for such terms of years as is therein mentioned; but, by an after clause of the aforesaid statute, it is provided, that nothing in the said act contained should extend, or be construed to extend, to such persons as should be convicted or attained in that part of Great Britain called Scotland, whereby the effectual transportation of offenders from that part of the united kingdom is often disappointed, and the colonies and plantations to which such offenders are transported, are exposed to many dangers and inconveniencies, by having such offenders set loose amongst them, without any person or persons having a property or interest in their service, whereby they may be restrained from committing new crimes and offences in the said colonies and plantations: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That when-

whosoever and so often as any sentence of transportation shall be pronounced and awarded, by any court in that part of *Great Britain* called *Scotland*, against any offender or offenders, it shall and may be lawful for such court to convey, transfer, and make over, such offender or offenders, by order of court, to the use of any person or persons who shall contract for the performance of such transportation, to him and them, and their heirs and assigns, so as he or they, so contracting, may have a property and interest in the service of such offenders, for such and the same term of years, as he or they might have had in the like case by an order of any court in that part of *Great Britain* called *England*.

Court in Scotland, pronouncing sentence of transportation, may make over the offender to the use of the contractor for the performance of such transportation.

II. And be it enacted by the authority aforesaid, That where any persons do now stand convicted, or hereafter shall be convicted, of any crimes or offences whatsoever, by which death by law may or ought to be inflicted; and his Majesty, his heirs, or successors, shall be graciously pleased to extend his royal mercy to such offenders, upon the condition of transportation to any part of *America*, and such intention of mercy be signified by one of his Majesty's principal secretaries of state; it shall and may be lawful to any court in that part of *Great Britain* called *Scotland*, having proper authority, to allow such offenders the benefit of a pardon under the great seal, or under the seal appointed by the treaty of union to be kept in *Scotland* in place of the great seal, and to order and direct the like transfer and conveyance, to any person or persons who will contract for the performance of such transportation, and to his or their heirs and assigns, of any such before mentioned offenders, in the same manner, and for the same term of years, as any court in that part of *Great Britain* called *England* might have ordered and directed in the like case; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order or transfer as aforesaid, shall have the like property and interest in the service of such offenders, and for such term of years, as he or they would or might have had under the like order from any competent court in that part of *Great Britain* called *England*.

Persons convicted of capital crimes, receiving the King's pardon upon condition of transportation,

the court to allow the offender the benefit thereof, and order a like transfer to be made of him to the contractor, as the courts in *England* may in like cases.

III. And whereas the laws now in force in that part of *Great Britain* called *Scotland*, for preventing muirburn in forbidden time, are found defective and ineffectual, whereby not only the game, but also many valuable woods and plantations have been destroyed: for remedy whereof, be it enacted by the authority aforesaid, That no person or persons shall make muirburn, or set fire to any heath or muir, in that part of *Great Britain* called *Scotland*, from the last day of *March* to the first day of *November* in any year, under the penalty of forty shillings lawful money of *Great Britain* for the first offence, five pounds like money for the second offence, and ten pounds like money for the third and every other offence; one moiety of which penalties shall belong to the procurator fiscal, who shall sue or prosecute for the same, and the other moiety shall be at the disposal of the court before which the offender or offenders shall be convicted, for such public uses,

Penalty on persons making muirburn, or setting fire to any heath or muir, between 31 *March* & 1 *Nov.* yearly.

Application of the penalties.

uses, within the parish where the offence is committed, as they shall think fit.

In what cases the tenant or occupier is made liable to the said penalties.

IV. And be it enacted by the authority aforesaid, That the tenant, possessor, or occupier of the ground, upon which such muirburn shall be made or discovered within the forbidden time aforesaid, shall be deemed and taken to be guilty of the offence, and shall be liable to the several penalties aforesaid, unless such tenant, possessor, or occupier, shall prove, to the satisfaction of the court, that such fire was communicated from some neighbouring ground; or was raised upon his or her ground by some other person not in his or her service or family.

Penalty not to take place but for offences committed after 31 March, 1767.

V. Provided always, That no person or persons shall be liable to any of the penalties hereby enacted, except for such offence or offences as shall be committed after the thirty first day of March, one thousand seven hundred and sixty seven.

Method of suing for and recovery of the penalties.

VI. And be it enacted by the authority aforesaid, That the several penalties aforesaid may be sued for and recovered before any two or more justices of the peace, or before the sheriff of the county where the offence shall be committed, subject to such review as is competent by the law of Scotland in the like cases.

C A P. XXXIII.

An act to enable his Majesty to exchange the lands of Fernan and Lix, in the county of Perth, for other lands belonging to the right honourable John earl of Breadalbane, in Pitkellony, in the said county of Perth.

Preamble, reciting act 25 Geo. 2. c. 41.

WHEREAS by an act of parliament made in the twenty fifth year of his late Majesty's reign, intituled, An act for annexing certain forfeited estates to the crown unalienably, and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof, for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future; the lands and estates which belonged to John Drummond, taking upon himself the stile and title of lord John Drummond, brother to James Drummond, taking upon himself the title of duke of Perth; and the lands of Alexander Robertson of Strowan, were unalienably annexed to the imperial crown of these realms, for certain purposes in the said act mentioned: and whereas the lands of Fernan, part of the annexed estate of Strowan, of the yearly rent of seventy eight pounds, twelve shillings, and eleven pence sterling, lie detached by themselves at a distance from the body of the estate of Strowan, and are situated in the bosom of the estate of John earl of Breadalbane, within a mile of Taymouth, the principal residence of his family: and whereas the lands of Lix, part of the annexed estate of Perth, of the yearly rent of thirty four pounds, six pence, and two thirds of a penny sterling, lie contiguous to other parts of the said earl's estate: and whereas these two parcels of crown lands, all lying in the county of Perth, are not only detached from every part of the annexed estates, but also separated at a considerable distance from them, and from each other:

ther : and whereas the said John earl of Breadalbane is proprietor of certain parts of the estate of Pitkellony, in the parish of Muthill, and county of Perth (of greater value than the two parcels of annexed lands above described) lying adjacent to, and almost surrounded by, the Perth estate, and most commodiously situated for the better accommodation of a village lately built upon that part of the said estate : and whereas it would be of great benefit to his Majesty, and to the annexed estates, as well as to the said John earl of Breadalbane, that the said lands of Fernan and Lix were exchanged for such parts of the estate of Pitkellony, belonging to the said John earl of Breadalbane, as lie most contiguous and convenient to the said annexed estate of Perth, allowing value for value : and whereas the said exchange cannot be completed, without the aid of parliament : may it therefore please your Majesty (upon the petition of the said John earl of Breadalbane) that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to his Majesty, his heirs, and successors, to give, grant, and dispose, unto the said John earl of Breadalbane, his heirs and assigns, all and whole that part and portion of the lands and barony of Strowan, called *The thirty merk lands of Fernan*, with the woods thereof, which formerly belonged to the deceased *Alexander Robertson of Strowan*, and are now annexed to the crown, comprehending the particular towns and lands after mentioned; *videlicet*, The three merk land of *Tomentivoir*, the three merk land of *Bellinairn*, the two merk land of *Corrickerrow*, the three merk land of *Croftnaline*, the two merk land of *Balmonoch*, the five merk land of *Boreland*, the five merk land of *Kintyeallan*, the five merk land of *Strowan*, and *Margeroy*, the two merk land of *Lagfern*, the brewer's maltbarn, and kiln of *Taynaloan of Fernan*, the mill of *Fernan*; all and whole the teinds, great and small, of the said whole lands above mentioned, all lying in the parish of *Kennore*, and sheriffdom of *Perth*, with the whole parts and pertinents of all the aforesaid lands and others, by whatever name called or described in the title deeds thereof : all and whole those parts and portions of the lands and estate of *Perth*, called *The lands of Lix*, extending to a nine merk land, and which formerly belonged *John Drummond*, taking upon himself the title and title of lord *John Drummond*, brother to *James Drummond*, taking upon himself the title of duke of *Perth*, and now annexed to the crown, comprehending the particular towns and lands after mentioned; *videlicet*, The town and lands of *Wester Lix*, with the croft thereof, the farm or lands of *Middle Lix*, the farm or lands of *Easter Lix*, with the pendicle thereof : and all and whole the teinds, great and small, of the said whole lands above mentioned, with the whole parts and pertinents of the aforesaid lands and others, by whatever name called or described in the title deeds thereof, all lying in the parish of *Killine*, and sheriffdom of *Perth*, heritably and irredeemably, in due and

His Majesty enabled to grant to John earl of Breadalbane the lands of Fernan and Lix here particularly described, with the teinds and pertinents thereof,

in exchange for other lands in Pitkellony belonging to the said earl.

competent form, by way of excambion, and in exchange, for the following parts and portions of the said estate of *Pitkellony*, belonging to the said *John* earl of *Breadalbane*; *videlicet*, All and whole the ten merk land of the ward of *Muthill*, with the meadow, wood, and wood lands, comprehending the park of ward, three parks in *Muthill*, and the lands of *Laeroch*, and all parts and pertinents of the same: all and whole the lands of *Pett* or *Pettis Tenantry*, extending to a two merk land of old extent, now commonly called *Tenantry* or *Quarter lands of Pett*, whereof a part is called *Cairngrew*, comprehending the well park, and all parts and pertinents of the same: all and whole the lands of *Pett Easter* and *Wester*, comprehending the lands commonly called *Drumduie*, *Muirhouse*, *Lurg*, and *Burnside*; also comprehending the *Burn Park* of *Drumduie*, pendicle of *Burnside* of *Drumduie*, lint mill of *Drumduie*, *Muirhead Roads*, and *Broadbag*, and all parts and pendicles of the same: all and whole those parts of the town or village of *Muthill*, with the tenements of houses, woolshops, yards, and crofts, lying therein (not already annexed to the crown) and contained in a disposition thereof dated twentieth *August*, one thousand seven hundred and sixty four, and registrate in the books of council and session third day of *February*, one thousand seven hundred and sixty six, by *Robert Drummond* of *Pitkellony*, to *John Campbell* esquire, cashier of the royal bank of *Scotland*: also all and whole the customs or tolls of the markets or fairs held in the said town of *Muthill*, together also with the tiend sheaves and other tiends, as well great as small, of the whole lands, tenement, and others above written, together with the whole premises contained in the said disposition, by whatever name called or described in the title deeds thereof: all lying within the parish of *Muthill*, and sherriffdom of *Perth*; amounting in all to the yearly rent of one hundred and sixty five pounds, nineteen shillings, eight pence, and one third of a penny sterling.

From the date of such grant, the recited act of 25 Geo. 2. so far as relates in these lands, is repealed; and the said lands disannexed from the crown; and the lands given in exchange are annexed to the crown in lieu thereof;

II. And be it further enacted by the authority aforesaid, That from and after the date of such grant, so to be made by his Majesty, his heirs, or successors, of the said lands of *Fernan* and *Lix*, with the tiends and pertinents thereof, in exchange as aforesaid, the said act of the twenty fifth of his late Majesty, so far as it relates to these lands, shall be, and the same is hereby, repealed; and the said lands of *Fernan* and *Lix* shall, from thenceforth, be disannexed from the imperial crown of these realms; any thing in the said act to the contrary notwithstanding: and that, from thenceforth, the aforesaid parts and portions of the lands and estate of *Pitkellony*, which shall be given to his Majesty in exchange for these lands of *Fernan* and *Lix* as aforesaid, shall be, and the same are hereby, annexed unalienably to the imperial crown of these realms, under all the conditions, provisions, and limitations, and to the same purposes and uses, as contained in the aforesaid act of the twenty fifth of his late Majesty, in the same manner, and as effectually, to all intents

intents and purposes, as if these parts and portions themselves had thereby been specially and particularly annexed.

III. *And whereas the tenants and possessors of the said lands of Fernan have, by usage and custom, enjoyed and possessed a privilege or servitude of pasturing and grazing their cattle upon other parts of the said estate of Strowan; and the tenants and possessors of the lands of Lix have, in like manner, enjoyed and possessed the privilege and servitude of cutting wood, for the necessary uses of their farms and possessions, upon other parts of the estate of Perth; and the tenants and possessors of the before-mentioned parts and portions of the estate of Pitkellony (which are to be given in exchange as aforesaid) have, by the like usage and custom, become thirled or bound to the mill of Pitkellony, commonly called the mill of Steps, for all grain or corn raised on these parts and portions: and it being proper and expedient that, at carrying the said exchange into execution, these and all other servitudes should be abolished and discharged; be it therefore enacted by the authority aforesaid, That from and after the date of the grant, so to be made by his Majesty, his heirs, or successors, of the said lands of Fernan and Lix, in exchange as aforesaid, not only the several privileges and servitudes immediately herein before enumerated, but also all other privileges and servitudes claimed or enjoyed by the tenants and possessors of the said lands of Fernan and Lix, of and upon other parts of the said annexed estates of Strowan and Perth; and by the said John earl of Breadalbane and his tenants (for the remainder of the said lands of Pitkellony and mill thereof) of and upon the tenants and possessors of these parts and portions of Pitkellony, then to be given in exchange as aforesaid; and by the tenants and possessors of the said annexed estates of Strowan and Perth, and of the parts and portions of Pitkellony, so to be exchanged as aforesaid, of and upon the said lands of Fernan and Lix, and remainder of Pitkellony; shall from thenceforth cease and determine, and be for ever after abolished and discharged.*

IV. *And whereas the value of the aforesaid parts and portions of the estate of Pitkellony, so to be exchanged as aforesaid, doth exceed the value of the said lands of Fernan and Lix, in the sum of three hundred and nineteen pounds, nine shillings, three pence, and one sixth part of a penny sterling; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to his Majesty, his heirs, and successors, by warrant under his or their sign manual, to order payment to be made out of the rents of the said annexed estates, of the aforesaid sum of three hundred and nineteen pounds, nine shillings, three pence, and one sixth part of a penny, unto the said John earl of Breadalbane, his heirs, and assigns, to compleat (with the aforesaid lands of Fernan and Lix) the price or value of the parts and portions of the estate of Pitkellony, so to be exchanged as aforesaid.*

V. Saving to all and every person and persons, bodies politic and corporate, his, her, and their heirs, successors, executors, and administrators, (other than and except the King's most excellent majesty, his heirs and successors, and the said

and the respective privileges and servitudes claimed or enjoyed by the tenants, &c. of these lands are to cease thereupon.

Satisfaction to be made to the earl of Breadalbane, for the difference of value in the lands exchanged.

Reservation of rights.

John earl of Breadalbane, his heirs, and successors) all such estates, rights, titles, interests, claims, and demands, of, in, to, and out of, the lands and premises to be exchanged as aforesaid, as they, every or any of them, had before passing this act, or should or might have had and enjoyed, in case this act had never been made.

C A P. XXXIV.

An act for widening several streets, lanes, ways, and passages, within the city of Bristol, and for opening several new streets and passages within the same; and for explaining, amending, and enlarging, the powers of the several acts passed for paving, cleansing, lighting, watching, and regulating, the streets, and other places, within the said city, and liberties thereof.

Preamble. Corporation impowered to widen certain streets, and lay out others; and to treat for purchase of premises. Bodies politick, &c. impowered to sell and convey. If any refuse to treat and sell, or cannot make a title; the same to be settled by a jury. Jurors may be challenged. Witnesses may be examined on oath. Proceedings to be void, in case corporation omit to pay sums awarded within 3 months, or justices neglect to summon a jury. On payment of purchase-money, premises to be conveyed. Mortgagees refusing to take in their mortgage-money, the same to be paid into the chamber of the city of Bristol. Receipts to be registered. Premises thereupon vested in the corporation. On application of persons interested, purchase-money to be placed out at interest. Mesne profits recoverable. Mortgagees, on payment or tender of mortgage-money and interest, to convey. Tenants to quit on notice given: on refusal, sheriffs, to deliver possession. Penalty on sheriffs, &c. not doing their duty. Money payable to bodies corporate, &c. to be re-invested in purchase of other estates. St. Leonard's church, &c. to be taken down. Corporation may sell overplus lands. Corporation may contract for purchase of the premises here mentioned. Width of the shambles, &c. Trustees to sell overplus ground. St. Peter's cross and pump to be removed: Persons liable to repair the same, are to repair the new. Lamps to be kept lighted from sun setting to sun rising. Contracts to be made yearly for lighting, and cleansing, the streets, &c. Parish officers may prosecute for breach of contract; except, &c. Contracts not liable to stamp duty. Parish officers not to have any concern in contracts. On death of collectors, executors to account. Distress may be followed. Rates may be apportioned. Arrears may be levied; but former collector, &c. not thereby indemnified. Limitation of appeal. Paving to be under the inspection of the surveyors of the highways; subject to the direction of the mayor, &c. Surveyors may cause gouts or sewers to be altered, &c. Expence thereof how to be defrayed. Houses unoccupied, how to be charged. Regulation respecting streets made since 22 Geo. 2. Carriage of goods limited. Exceptions. Power to prevent annoyances. Form of conviction. Penalty on persons interrupting the passage through the streets, &c. No materials to be worked up on the banks of the Froome, without leave. Power to regulate signs, &c. and alter spouts, &c. Spouts, &c. of publick buildings, by whom to be regulated. Upon presentment of houses, &c. being in a ruinous condition, corporation to order them to be inclosed; owners to pay the charges. Houses rebuilt, not to project beyond the story posts; and to have party walls. Application of penalties and forfeitures. Orders not to be quashed for want of form, nor removable by Certiorari. Persons aggrieved may appeal to the quarter sessions. Penalties may be mitigated. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXXV.

An act to continue an act made in the thirty second year of his late majesty King George the Second, for continuing, amending, explaining, and making more effectual, an act made in the nineteenth year of his said Majesty, more effectually to prevent the frauds and abuses committed in the admeasurement of coals, within the city and liberty of Westminster, and other places therein mentioned.

WHEREAS the laws herein after-mentioned which have, by Preamble. experience, been found useful and beneficial, are near expiring : it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the nineteenth year of his late majesty King George the second, intituled, *An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the duchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the county of Middlesex, which was continued in force from the twenty fourth day of September, one thousand seven hundred and forty six, for three years; which, by three subsequent acts made in the twenty third, twenty sixth, and thirty second years of his said Majesty, was further continued to the twenty fourth day of June, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament; as was not altered by an act made in the thirty second year of his said Majesty, intituled, An act for continuing, amending, explaining, and making more effectual, an act made in the nineteenth year of his present Majesty's said Majesty, intituled, An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the duchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the county of Middlesex; and also the said last-mentioned act; which were to continue in force to the said twenty fourth of June, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of June, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament.*

So much of
act 19 Geo. 2.
as was not al-
tered by act
32 Geo. 2.
together with
the last men-
tioned act, are
further con-
tinued to
24 June, 1780.

C A P. XXXVI.

An act for encouraging the cultivation, and for the better preservation, of trees, roots, plants, and shrubs.

Preamble.

WHEREAS divers persons have, of late years, wilfully and maliciously cut down, barked, or otherwise destroyed, timber trees, and trees standing for, and likely to become, timber, growing as well in the several forests, chases, and other open grounds, as in the woods, and plantations, and inclosed grounds, within this kingdom; to the great detriment of the owners of such trees, and to the discouragement of planting in general, so beneficial to Great Britain: and whereas the disposition of nursery men to improvements in planting and gardening, through Great Britain, is also of great use to the publick; and many nursery men, gardeners, and others, have collected and cultivated, at great expence, roots, shrubs, and plants, of every country, and imported, cultivated, and exported, great quantities thereof, and do thereby support themselves and many others of his Majesty's subjects: and whereas many evil-disposed persons, well knowing the value of such roots, shrubs, and plants, have, of late years, frequently entered into nurseries, gardens, and other inclosed grounds in general, and of the nursery men and gardeners in particular, and have dug up, taken, or carried away, out of such nurseries, gardens, and grounds, roots, shrubs, and plants, and likewise destroyed others on the spot, to a very considerable value: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the second day of *June*, one thousand seven hundred and sixty six, all and every person and persons who shall, in the night-time, lop, top, cut down, break, throw down, bark, burn, or otherwise spoil or destroy, or carry away, any oak, beech, ash, elm, fir, chestnut, or asp, timber tree, or other tree or trees standing for timber, or likely to become timber, without the consent of the owner or owners thereof first had and obtained; or shall, in the night-time, pluck up, dig up, break, spoil, or destroy, or carry away, any root, shrub, or plant, roots, shrubs, or plants, of the value of five shillings, and which shall be growing, standing, or being, in the garden ground, nursery ground, or other inclosed ground, of any person or persons whomsoever; shall be deemed and construed to be guilty of felony; and every such person or persons shall be subject and liable to the like pains and penalties as in cases of felony; and the court, by and before whom such person or persons shall be tried, shall, and hereby have authority to transport such person or persons, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm: and all and every person and persons who shall be wilfully aiding, abetting, or assisting, in such cutting down, breaking, throwing down, barking, burning,

Penalty on cutting down, spoiling, carrying away, &c. in the night-time, any oak or other timber trees;

or roots, shrubs, or plants, of 5s. value, in any garden, nursery, or inclosed ground; is felony.

Court empowered to transport the offender for 7 years:

The aiders and abettors therein,

ing, or otherwise spoiling or destroying, or carrying away, any such oak, beach, ash, elm, fir, chestnut, or asp, timber tree, or other tree or trees standing for timber, or likely to become timber, as aforesaid; or in such plucking up, digging up, cutting, breaking, spoiling; or destroying, or carrying away, such root, shrub, or plant, roots, shrubs, or plants, as aforesaid, of the value aforesaid; or who shall buy or receive such root, shrub, or plant, roots, shrubs, or plants, of the value aforesaid, knowing the same to be stolen; shall be subject and liable to the same punishment, as if he, she, or they, had stolen the same; any law to the contrary in any wise notwithstanding.

and persons who shall buy, or receive such roots, shrubs, or plants, knowing the same to be stolen, are liable to like punishment, as if they had stolen the same.

C A P. XXXVII.

An act to explain, amend, and render more effectual, an act made in the fourth year of his present Majesty's reign, for the better regulating of buildings, and to prevent mischiefs that may happen by fire, within the weekly bills of mortality, and other places therein mentioned.

WHEREAS so much of the act passed in the fourth year of the reign of his present majesty King George the Third, intitled, An act for the better regulating of buildings, and to prevent mischiefs that may happen by fire, within the weekly bills of mortality, and other places therein mentioned, as relates to pulling down or rebuilding of partitions or party walls between house and house, enacts, That so much of the act of parliament made in the eleventh year of the reign of his majesty King George the First, as relates to party walls within the said city and liberty of Westminster, or any parish, precinct, or place, comprized within the weekly bills of mortality, or within the several parishes of Saint Mary le Bone and Paddington, or within the parishes of Chelsea and Saint Pancras, or either of them, in the county of Middlesex except the city of London and the liberties thereof, and also except the party walls of houses on the river of Thames below bridge) should, from and after the passing of the said act of the fourth year of the reign of his present Majesty, extend, and be construed, deemed, and taken to extend, to all cases whatsoever within the said city and liberty of Westminster, and the several parishes, precincts, and limits aforesaid, where it is or should be necessary to pull down and rebuild any party wall, whether either of the adjoining houses should or should not be, or require to be rebuilt, or new built: and that from and after the passing of the said last-mentioned act, in case the major part of the workmen appointed in manner prescribed by the said act, made and passed in the eleventh year, of the reign of his majesty King George the First, to view the party wall of any house or houses, within the said city of Westminster, and the several parishes, precincts, and limits aforesaid, intended to be pulled down, should not, within the space of one calendar month next after such appointment, sign a certificate in writing as by the said last-mentioned act is required, then, and in every such case, it should and might be lawful for any two or more of his Majesty's justices of the peace for

Preamble, reciting clauses in act 4 Geo. 3.

city or county, residing within or near the parish, liberty, or precinct; where the house or houses, having such party wall or walls intended to be pulled down, should stand; and such two or more justices were thereby authorized and required, upon such application to them for that purpose made by the owner or occupier of either of the houses between which the party wall so proposed to be pulled down should be, to name and appoint one other able workman to be added to the workmen appointed by virtue or in pursuance of the said act of the eleventh of George the First; and the workmen so appointed by virtue and in pursuance of the said last-mentioned act, and of the said act of the fourth of his present Majesty, or the major part of them, who should meet for that purpose (ten days notice having been given to, or left at the dwelling-house of each and every of them, of such intended meeting) should view the party wall so proposed to be pulled down: and in case the major part of such workmen should certify in writing, under their hands, that such party wall was defective and bad, and ought to be pulled down; then, and in such case, it should and might be lawful to and for the owner or occupier of either of the said adjoining houses to cause such party wall to be pulled down and rebuilt; and he or she should have such remedy for recovering a moiety of the expences thereof, as in and by the said act of the eleventh year of his late majesty King George the First, was given or provided; subject nevertheless to such appeal to, and determination by, the justices of the peace, as by the same act was directed: and whereas, notwithstanding the directions of the said recited acts, touching the pulling down ruinous, bad, and defective party walls, wilful and litigious persons may endeavour to prevent the same being done, by opposing the entry of the first builder into the house which adjoins to such party wall, in order to the shoring up the same, for the purpose of taking down the said party wall; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Where, upon a copy of a certificate delivered, that a party wall is defective, and ought to be pulled down, admittance shall be refused into the adjoining houses, to shore up the same,

or pull down such wall;

the justice, before whom

parliament assembled, and by the authority of the same, That from and after the passing of this act, when the major part of such workmen shall have certified in writing under their hands, as aforesaid, that the party wall of any house or houses within the said city and liberty of *Westminster*, and the several parishes, precincts, and limits aforesaid, is defective and bad, and ought to be pulled down; then, and in every such case; if any owner or occupier of either of the houses adjoining to such party wall shall, upon notice given of such certificate as aforesaid, by delivering to him or her a copy thereof, or leaving the same at the place of his or her abode, refuse admittance to any builder or builders, his and their servants or workmen, or other persons employed, to shore up such houses, or to pull down such party wall; then, upon oath made by such builder or builders, his and their servants or workmen, or other persons employed for the purposes aforesaid, of the service of the copy of such certificate in manner aforesaid, and of such refusal, before one or more justice or justices of the peace for the said county, city, or party, it shall and may be lawful for such justice or justices before

before whom such oath or oaths shall be made, and they are hereby required, by warrant or warrants under his or their hands and seals, to authorize and empower such builder or builders, his and their servants or workmen, or other persons, in the presence of a constable or other officer of the peace, at any time after the end of fourteen days after a true copy of the said warrant shall be left at the house in which such shoring is intended to be, between the hours of eight in the morning and four in the afternoon, to enter into and upon the house adjoining to such party wall, for the purpose of shoring up such house, and pulling down such party wall; and if the outer door of such house shall be shut, and the owner or occupier thereof, or other person therein, shall refuse to open the same, being thereunto demanded, to break open such outer door, and remove any goods, furniture, shelves, or other matter or thing whatsoever, which shall obstruct the execution of the said works respectively; and from and after such entry as aforesaid, it shall and may be lawful to and for such builder or builders, their servants or workmen, or other persons employed by them, from time to time, to re-enter into and upon the said premises, and abide therein the usual times of work, for the shoring up the said house, and taking down such party wall, and rebuilding the same: and if any such owner or occupier, or other person or persons, shall in any manner obstruct or hinder the execution of the said works; every such owner or occupier, or other person or persons, so offending, shall, for every such offence respectively, forfeit the sum of five pounds; to be recovered and levied in like manner as the penalties are to be recovered and levied by the said recited act of the fourth year of his present Majesty.

II. Provided always nevertheless, That no builder or builders, or his or their workmen, servants, or agents, or other persons, employed to build such party wall, or to shore up such house, shall make any entry by virtue of any such warrant from any justice of the peace as aforesaid, unless some general or quarter session of the peace for the county, city, or liberty, hath happened, after such certificate and notice thereof, ten days at the least before the signing such warrant by such justice of the peace; nor in case any such certificate shall have been quashed at such general or quarter session.

III. And whereas by the said act of the fourth year of the reign of his present Majesty, it is enacted, That from and after the three calendar months therein mentioned, no timbers, except the timbers of the girders and binding joists, and the templets under the same, shall be laid into the party walls erected or built within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid; and that no timber of the roof be laid into such party walls, except the perloins or kerb thereof; and that the ends of girders and binding joists, lying within such party walls, shall not exceed nine inches; and that none of the ends of the girders or binding joists in adjoining houses shall meet or be laid opposite to each other;

complaint of such refusal shall be made, may grant a warrant of entry, &c.

and the workmen may thereupon enter, and proceed in the execution of their work: Penalty of obstructing them.

In what cases entry may not be made by virtue of such warrants.

Clauses in act 4 Geo. 3.

Regulations to be observed with respect to laying timbers into party walls;

Penalty on builder, &c. not complying with the said regulations.

Provision, with respect to a compensation for making use of party walls by adjoining houses.

Clause in act
4 Geo. 3.

other; and that the sides thereof shall be at least fourteen inches distant from each other; and that there shall be nine inches at least of solid brick work left at or between the ends of all lentils, wall-plates, and bond timbers, which may or shall be laid in or upon the walls of the fore and back fronts of all houses which shall adjoin to each other: and whereas it is found by experience, that the several rules, regulations, and directions, herein before recited, are inconvenient, and no means of preventing the spreading of fire; be it therefore enacted and declared by the authority aforesaid, That from and after the passing of this act, no timbers, except the timbers of the girders, binding joists, and the templets under the same, and necessary bond timbers, shall be laid into the party walls erected or built, or to be erected or built, according to the directions of the said recited act of the fourth year of the reign of his present Majesty, within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid; and that no timbers of the roof be laid into such party walls, except the purloins or kerb thereof; and that the ends of girders, and binding joists, lying within such party walls, shall not exceed nine inches; and that none of the ends of the girders, or binding joists, in adjoining houses, shall meet, or be laid opposite to each other; and that the sides thereof shall be at least nine inches distant from each other; and that there shall be nine inches at least of solid brick work at or between the ends and sides of all bond timbers; any law, statute, custom, or usage, to the contrary thereof in any wise notwithstanding: and that if any head builder, master bricklayer, or workman, shall offend contrary to the true intent and meaning of this present act, he shall be liable to all the penalties contained and comprized in the said recited act of the fourth year of his present Majesty, to be sued for and recovered in manner in the said act mentioned and declared.

IV. And be it further enacted, That from and after any house or other building is erected, any person who shall build next adjoining thereto, and make use of the party wall thereof, for laying in the timbers, or for any other purpose whatsoever, shall pay to the person or persons who hath the property in such wall, one half of the value of such wall, or of so much thereof as such person, who shall build next adjoining thereto, shall make use of, according to such price for each rod thereof, as shall be estimated and determined by two indifferent persons, one to be chosen by each party; and in case they differ in opinion thereabout, then the same to be referred to one indifferent person, to be chosen by such arbitrators; and which value, when so estimated and determined, shall be recovered and recoverable in like manner as the price of party walls is directed to be recovered by the said recited act of the fourth year of the reign of his present Majesty.

V. And whereas by the said recited act of the fourth year of his present Majesty, a penalty of fifty pounds is inflicted upon the head builder,

builder, master bricklayer, or workmen, who should neglect to build every house thereafter to be built, according to the directions of the said recited act, one moiety thereof to be paid to the informer, and the other moiety to the poor of the parish wherein such building shall be erected; such penalty and penalties to be recovered by action of debt, bill, plaint, suit, or information, in any of his Majesty's courts of record at Westminster: and whereas, since the passing of the said recited act, there has been a very great increase of buildings within the limits aforesaid; and many of the houses so built, are not in every respect built according to the directions of the said recited act; whereby the several owners and head builders thereof have incurred the said penalties, and several persons are informed against, and now under prosecution for the same: and whereas, after conviction of persons for the said offences, and payment of the penalties inflicted by the said act, the parties so offending may nevertheless suffer the defects in such houses to remain, instead of amending the same, and thereby in great measure frustrate the intent proposed by the said act, for preventing mischiefs from fire: and whereas the said first owners, head builders, or workmen, of such houses so irregularly built, are willing and desirous to make good the said defects, whereby the intent of the said act would be fully answered, provided they may be exempted from the penalties already incurred thereby; be it therefore enacted by the authority aforesaid, That if any action, bill, plaint, suit, or information, is and are now depending in any of his Majesty's courts of record at Westminster, or before any of his Majesty's justices of the peace, against any such first owner, head builder, or workman, for not having built such house or houses conformable to the directions of the said recited act; it shall and may be lawful for the court where the same shall be respectively brought, and such court is hereby required, authorized, and empowered, on the application of such defendant or defendants, to make a rule for the plaintiff or informer, in such action, bill, plaint, suit, or information, to set forth the particular defect or irregularity complained of in the building such house or houses; and if such defendant or defendants shall thereupon enter into an agreement for making good the irregularities and defects so complained of, and rendering the building of such houses conformable to the direction of the said recited act, within a certain time to be specified in such agreement, and shall be desirous that such agreement should be made a rule of any of his Majesty's courts of record; that then, such agreement being so made, shall and may, upon producing an affidavit of the execution thereof by the witnesses thereunto, or any of them, in the court of which the same is agreed to be made a rule, and reading and filing the said affidavit in court, be entered of record in such court; and a rule shall thereupon be made by such court, that such defendant or defendants shall, within a certain time to be limited and specified in such rule, make good the defects and irregularities complained of, and render the building of such house or houses conformable to the direction of the said recited act; and that such defendant or defendants shall moreover pay such

Clause for exempting, upon certain conditions, first owners and others from the penalties incurred, for not having built conformable to the directions of the recited act of 4 Geo. 3.

such costs as the said court shall direct and award; and also it shall and may be lawful to and for such justice or justices of the peace, before whom any information or informations as aforesaid is or are now depending, and such justice and justices of the peace are hereby required, authorized, and empowered, on the application of any first owner, head builder, or workman, against whom such information or informations shall be given and laid, to accept and receive such agreement to make good the defects and irregularities complained of, and to render the buildings of such houses conformable to the directions of the said recited act.

Upon conforming to the regulations of the act, and the defects complained of being made good,

Defendant to be discharged from the penalties.

This act not to extend to the indemnification of persons, against whom final judgement has already been given.

From and after 1 June, 1766, head builders, &c. acting contrary to the directions of the former or present act, are made liable not only to the penalties incurred, but to make good the defects and irregularities of which they shall be convicted;

VI. And be it further enacted, That in every such case, it shall and may be lawful for, and such court and justices of the peace is and are hereby required, authorized, and empowered, on such first owner, head builder, or workman, making appear to them respectively, that the defects and irregularities complained of are made good, and the building of such house or houses rendered conformable to the direction of the said recited act, according to his or their agreement entered into for that purpose, to indemnify, free, and discharge, every such defendant and defendants, of, from, and against, all penalties and forfeitures incurred or to be incurred for or by reason of not having originally built such party walls pursuant to the directions of the said act, or for or by reason of any other defect or irregularity, whereby such houses are otherwise built than pursuant to such directions; any thing in the said act contained to the contrary notwithstanding.

VII. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgement shall have been given in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred by having neglected to make such party walls, or, in any other respect, to build such houses pursuant to the directions of the said act of the fourth year of his present Majesty.

VIII. And be it further enacted by the authority aforesaid, That if any head builder or master bricklayer shall, from and after the first day of *June*, one thousand seven hundred and sixty six, erect or build, or cause to be erected and built, any house or houses within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, contrary to the directions of the said recited act, or of this present act; then every such head builder or master bricklayer shall not only pay the penalties whereof he or they shall be convicted, but also shall, within the space of six months next after his or their being convicted of such offence in manner by the said recited act prescribed, make good all such defects and irregularities whereof he or they shall have been so convicted, and render the building of such house or houses conformable to the directions of the said recited act, or of this present act: and in case such head builder or master bricklayer shall not, within six months after

such

uch conviction, have made good such defects and irregularities, and rendered the building of such houses conformable to the directions of the said recited act, or of this present act; and if they then, every such head builder, master bricklayer, or workman, shall forfeit the further sum of fifty pounds, to be applied as afore-^{ed time, in} said, and to be likewise levied and recovered in manner as ^{so doing they} forfeit more-^{over 50l. &c.} by the said recited act is directed, and so *toties quoties*, for every ^{over 50l. &c.} six months that such defects and irregularities shall continue, and such house or houses remain built otherwise than conformable to the directions of the said recited act, or of this present act.

IX. And be it further enacted by the authority afore-^{Workman} said, ^{taking on} That if any workman or servant to such head builder or master ^{himself to act} bricklayer, shall wilfully, carelessly, or negligently, and with-^{contrary to} out the direction, privity, or consent, of such head builder ^{the directions} or master bricklayer, do any thing toward the building of such ^{of the recited} house or houses, contrary to the directions of the said recited act, ^{or present act,} or of this present act, every such workman or servant so offend-^{forfeits 5l.} ing, shall, for every such offence, forfeit the sum of five pounds, to be paid to the informer; and if the same shall not be paid immediately upon his being convicted of such offence before one or more justice or justices of the peace for the said county of *Middlesex*, or for the city and liberty of *Westminster*, upon the oath of one or more credible witness or witnesses (which oath such justice or justices is and are hereby impow-^{and if not} ered to administer) or upon his own confession; then the of-^{forthwith} fender shall, by warrant under the hand and seal of such justice ^{paid, he is to} or justices, be committed to the house of correction for the ^{be committed} space of three months, without bail or mainprize, unless the ^{for 3 months.} said penalty shall be sooner paid.

X. And be it further enacted by the authority afore-^{Limitations of} said, ^{actions and} That if any action shall be brought, or suit commenced, or ^{informations} information given to any of his Majesty's justices of the peace ^{against first} for the said county of *Middlesex*, or city or liberty of *Westmin-^{owners and}ster*, against any person or persons, for any thing done by any ^{builders.} first owner, head builder, or head workman, contrary to the true intent and meaning of the said recited acts passed in the sixth and seventh years of the reign of her late majesty Queen *Anne*, and in the eleventh year of the reign of his late majesty King *George* the First, and in the fourth year of the reign of his present Majesty, or of this act, such action, suit, or in-formation, shall be laid or brought within three months next after the fact done, and not afterwards.

XI. And be it further enacted by the authority afore-^{Limitation of} said, ^{actions against} That if any action shall be brought, or suit commenced, ^{persons for} against any person or persons for any thing done in pursuance ^{matters done} of the said recited act of the fourth year of his present Majesty, ^{in pursuance} or of this act, such action or suit shall be laid or brought within ^{of act 4. Geo. 3.} six months next after the fact done, and not afterwards; and ^{or of this act.} shall be laid or brought in the county or place where the fact ^{was committed,} was committed, and not elsewhere; and the defendant or de-
6 fendants

- General issue.** defendants in such action may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the said defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or have for costs in any other cases by law.
- Treble costs.**
- Publick act.** XII. And it is hereby further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and all other persons whatsoever, without specially pleading the same.

C A P. XXXVIII.

An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights.

Most gracious Sovereign,

- Preamble.** **W**HEREAS several rates and duties were granted upon houses, and windows, or lights, by an act of parliament made in the twentieth year of the reign of his late majesty King George the Second, intituled, An act for repealing the several rates and duties upon houses, windows, or lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and also by an act made in the thirty first year of the
- Act 20 Geo. 2.** reign of his said late Majesty, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses, and upon windows, or lights; and for raising the sum of five millions, by annuities and a lottery, to be charged on the said rates and duties: and whereas several further rates and duties were granted upon windows, or lights, by another act made in the second year of the reign of his present Majesty, intituled, An
- Act 31 Geo. 2.** act for granting to his Majesty several rates and duties upon windows, or lights: and whereas the said rates and duties do not bear in many respects a proper proportion to each other, and the payment thereof hath been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do therefore think it will be for the advantage of the public to repeal the present rates and duties upon houses, and windows, or lights; and to grant unto your Majesty the several new rates and duties herein after mentioned, to be applied to well

well to the uses and purposes which the said rates and duties formerly granted are now applicable unto, as to make good to the fund commonly called the *sinking fund* the payment of any annuities which shall be granted, in this present session of parliament, towards raising the supply for the service of the year one thousand seven hundred and sixty six, and charged upon such fund; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *October*, one thousand seven hundred and sixty six, all the rates and duties upon houses, and upon windows, or lights, granted by the said three several acts of parliament, shall cease, determine, and be no longer paid, or payable; except only such monies as shall have become due in respect of the said rates and duties assessed at any time on or before the said tenth day of *October*, one thousand seven hundred and sixty six, and which shall be in arrear and unpaid.

From and after 10 October, 1766, the rates granted by the recited acts are to cease; (all arrears thereof excepted)

II. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October*, one thousand seven hundred and sixty six, there shall be charged, raised, levied, and paid, unto his Majesty, his heirs, and successors, the several and respective rates and duties upon houses, and upon windows, or lights, herein after mentioned; that is to say,

and in lieu thereof the following yearly rates are to be paid;

videlicet,

For every dwelling-house inhabited, which now is or hereafter shall be erected within that part of *Great Britain* called *England*, the yearly sum of three shillings.

3 s. per annum for every dwelling-house inhabited within England;

For every dwelling-house inhabited, which now is or hereafter shall be erected within that part of *Great Britain* called *Scotland*, the yearly sum of one shilling.

and 1 s. per annum for all such in Scotland.

And for every window or light, in every dwelling-house inhabited, or to be inhabited, within and throughout the whole kingdom of *Great Britain*, which shall contain seven windows, or lights, and no more, the sum of two pence for each window, or light, in such house.

For all dwelling-houses throughout Great Britain,

For every window, or light, in every dwelling-house as aforesaid, which shall contain eight windows, or lights, and no more, the yearly sum of six pence for each window, or light, in such house.

with 7 windows only, 2 d. each; with 8 windows, 6d. each;

For every window, or light, in every dwelling-house as aforesaid, which shall contain nine windows, or lights, and no more, the yearly sum of eight pence for each window, or light, in such house.

with 9—8 d.

For every window, or light, in every dwelling-house as aforesaid, which shall contain ten windows, or lights, and no more, the yearly sum of ten pence for each window, or light, in such house.

with 10—10d.

For every window, or light, in every dwelling-house as aforesaid, which shall contain eleven windows, or lights, and

with 11—1 s.

no

no more, the yearly sum of one shilling for each window, or light, in such house.

with 12 — 18. For every window, or light, in every dwelling-house as afore-
2 d. said, which shall contain twelve windows, or lights, and no more, the yearly sum of one shilling and two pence for each window, or light, in such house.

with 13 — 18. For every window, or light, in every dwelling-house as afore-
4 d. said, which shall contain thirteen windows, or lights, and no more, the yearly sum of one shilling and four pence for each window, or light, in such house.

with 14 to 19 For every window, or light, in every dwelling-house as afore-
— 18. 6d. said, which shall contain fourteen, fifteen, sixteen, seventeen, eighteen, or nineteen windows, or lights, and no more, the yearly sum of one shilling and six pence for each window, or light, in such house.

with 20 — 18. For every window, or light, in every dwelling-house as afore-
7 d. said, which shall contain twenty windows, or lights, and no more, the yearly sum of one shilling and seven pence for each window, or light, in such house.

with 21 — 18. For every window, or light, in every dwelling-house as afore-
8 d. said, which shall contain twenty one windows, or lights, and no more, the yearly sum of one shilling and eight pence for each window, or light, in such house.

with 22 — 18. For every window, or light, in every dwelling-house as afore-
9 d. said, which shall contain twenty two windows, or lights, and no more, the yearly sum of one shilling and nine pence for each window, or light, in such house.

with 23 — 18. For every window, or light, in every dwelling-house as afore-
10 d. said, which shall contain twenty three windows, or lights, and no more, the yearly sum of one shilling and ten pence for each window, or light, in such house.

with 24 — 18. For every window, or light, in every dwelling-house as afore-
11 d. said, which shall contain twenty four windows, or lights, and no more, the yearly sum of one shilling and eleven pence for each window, or light, in such house.

with 25 or And for every window, or light, in every dwelling-house as
upwards, 2 s. afore said, which shall contain twenty five windows, or lights, or
each. upwards, the yearly sum of two shillings for each window, or light, in every such house.

Window tax
to be paid,
over and
above the du-
ties on houses.

III. Provided nevertheless, and it is the true intent and meaning of this act, That the said several and respective yearly sums herein before charged upon every window, or light, contained in every such dwelling-house as afore said, shall be paid over and above the said respective duties of three shillings, and one shilling, upon houses before mentioned.

Houses in
Scotland, with
not more than
5 windows,
exempted
from the duty
on houses.

IV. Provided always, That no house or cottage in that part of Great Britain called Scotland, that has not more than five windows, or lights, shall pay, or be liable to pay, the duty of one shilling imposed on each house by this present act.

V. And be it further enacted and declared by the authority aforesaid, That if any rate or assessment hath been or shall be made in pursuance of the said former acts, or any of them, for raising all or any of the rates and duties thereby granted upon houses, windows, or lights, for and in respect of the quarter, half year, or any other time, after the said tenth day of *October*, one thousand seven hundred and sixty six; every such rate or assessment, so far as the same relates to the raising such rates and duties in respect of such quarter, half year, or other term, after the said tenth day of *October*, shall be null and void.

Rates made in pursuance of former acts, in respect of any time after 10 October, 1766, are declared null.

VI. And be it further enacted by the authority aforesaid, That the rates and duties by this act granted shall be paid quarterly, at the four most usual days of payment in the year; that is to say, On the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, by even and equal portions; the first payment thereof to be made upon the fifth day of *January*, one thousand seven hundred and sixty seven.

Rates to be paid quarterly.

VII. And be it further enacted by the authority aforesaid, That the said several rates and duties by this act imposed, and also the arrears of the rates and duties granted by the said former acts, shall be raised, levied, collected, and paid, into his Majesty's exchequer for the purposes in this act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for raising, levying, collecting, and paying, the duties on houses, and windows, or lights, in and by the said acts of parliament made in the said twentieth and thirty first

These rates and duties, and arrears of former acts, to be paid into the exchequer, according to the rules, &c. prescribed in

years of the reign of his said late Majesty, and in the second year of the reign of his present Majesty, and in and by one other act of parliament made in the twentieth year of his said late Majesty's reign, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights*; and in and by an act of parliament made in the twenty first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of, an act passed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, and not hereby altered, contained in the said five several acts of parliament, or any of them, for the raising, levying, collecting, and paying, the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution, throughout the whole kingdom of Great Britain, for raising, levying, collecting, and paying, the several rates and duties upon houses, and upon windows, or lights, by*

acts 20, 31 Geo. 2. 2 Geo. 3. 20 Geo. 2. and 21 Geo. 2.

Powers, &c. of the recited acts extended to this act.

this act granted, as effectually, to all intents and purposes, as if the same, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this present act.

Commissioners for the recited acts to meet for the execution of this act, on or before 11 Oct. 1766.

VIII And be it further enacted by the authority aforesaid, That the commissioners authorized for putting in execution the said five former acts, or any of them, for all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within *Great Britain*, shall meet together at the most usual and common place of meeting within such counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within *Great Britain*, on or before the eleventh day of *October*, one thousand seven hundred and sixty six; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting, the duties hereby granted, in such and the same manner, to all intents and purposes, as are prescribed by the said five former acts, or any of them, with respect to the rates and duties thereby imposed, except such parts only of the said acts as are hereby altered.

Separate assessments to be made out for these duties, and to be certified and returned by 23 Dec. 1766.

Surveyors to certify their surcharges for the half year's assessment, by 20 Feb. 1767.

Appeals to be heard between 6 March & 4 April, 1767.

Duplicates of the assessments to be transmitted as formerly.

After 5 April, 1767, the assessments to be made for the whole year.

Monies arising by the former rates to be applied as the present.

IX. Provided nevertheless, and be it further enacted by the authority aforesaid, That separate assessments shall be made out, for raising the duties hereby imposed, from the said tenth day of *October*, one thousand seven hundred and sixty six, to the sixth day of *April*, one thousand seven hundred and sixty seven; which assessments shall be certified by the assessors, and returned by them to the said commissioners on or before the third day of *December*, one thousand seven hundred and sixty six; and that the surveyors of the said duties shall and may, on or before the twentieth day of *February*, one thousand seven hundred and sixty seven, certify their surcharges, for raising the said duties for the said half year, to the said commissioners; and that all appeals, in respect to the said half year's assessments, shall and may be heard and determined between the sixth day of *March*, one thousand seven hundred and sixty seven, and the fourth day of *April* following; and that the said commissioners shall cause true duplicates of the said assessments, for the said half year, to be made out, delivered, and transmitted, in such manner as is directed by any of the said former acts with respect to the duplicates of the assessments therein mentioned; and that from and after the fifth day of *April*, one thousand seven hundred and sixty seven, the duties hereby granted shall be assessed annually for one whole year, to commence from the fifth day of *April* in each year.

X. And be it further enacted by the authority aforesaid, That all the monies which shall have arisen by the rates and duties granted by the said former acts, upon houses, and windows, or lights, and shall be paid into the receipt of the exchequer, after the said tenth day of *October*, one thousand seven hundred

hundred and sixty six, shall be applied in such manner as the rates and duties hereby granted are directed to be applied.

XI. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October*, one thousand seven hundred and sixty six, there shall be reserved and set apart, at the receipt of his Majesty's exchequer, and applied to the fund commonly called *The General or Aggregate Fund*, out of the rates and duties hereby granted, the yearly sum of ninety one thousand four hundred and eighty five pounds, and six pence, three farthings, in lieu of the like yearly sum, which by the said first mentioned act, made in the twentieth year of his said late Majesty's reign, was directed to be set apart and applied, in like manner, out of the rates and duties thereby granted, towards paying the several annuities, and other payments, charged on the said fund, in such manner as is therein mentioned.

XII. And whereas the rates and duties upon houses and windows, w lights, granted by the said act made in the thirty first year of the reign of his said late Majesty, were together with certain other duties, made a fund for payment of the annuities thereby established; it is therefore necessary that part of the rates and duties by this act granted, should be applied towards payment of the said annuities, in lieu of the said rates and duties; be it therefore enacted by the authority aforesaid, That from and after the said tenth day of *October*, one thousand seven hundred and sixty six, the yearly sum of ninety three thousand two hundred and seventeen pounds, ten shillings, one penny, and one sixth part of a penny, being the amount of the annual produce of the said rates and duties, upon a medium of six years last past, shall be also reserved and set apart at the said receipt of the exchequer, out of the rates and duties hereby granted, and shall be applied towards paying the annuities established by the said act.

XIII. And be it further enacted by the authority aforesaid, That the residue of the produce of the said rates and duties shall be carried to, and made part of, the fund commonly called *The sinking fund*, in lieu of such part of the rates and duties hereby repealed, as are applicable to such fund; and also towards making good to the same fund, the payment of such annuities as shall be charged thereupon by any act of this session of parliament.

XIV. And whereas a certain annuity or yearly sum of seventy four thousand three hundred and thirty four pounds, and eleven pence, was due payable to the South Sea company, out of certain rates and duties upon coals, culm, and cinders, and upon certain former duties upon wifes; which last mentioned duties were repealed by the said act made the twentieth year of his said late Majesty's reign, and it was thereby provided, That if the said duties upon coals, culm, and cinders, should be at any time deficient to pay the said annuity, that such deficiency should be made good out of the rates and duties thereby granted, and by this act repealed; be it therefore enacted by the authority aforesaid, That if the monies arising into the said receipt of ex-
Treasury to
make good out
of the sink-

ing fund, any deficiency of the duties upon coals culm, and cinders, after 10 October, to pay the annuity due to the South Sea company.

chequer of or for the said duties upon coals, culm, and cinders, shall, at any time or times, from and after the said tenth day of *October*, be deficient to answer to the said *South Sea* company such monies as shall be payable in respect of the said annuity or yearly sum; in every such case it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and he and they is and are hereby respectively authorized and required to cause such deficiencies to be made good out of the said fund commonly called *The sinking fund*, after paying, or reserving sufficient to pay, all such monies as have been directed by any former act or acts of parliament to be paid out of the same.

General issue.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited; then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

Treble costs.

C AP. XXXIX.

An act for raising the sum of one million five hundred thousand pounds, by way of annuities and a lottery, to be charged on the sinking fund.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely resolved to give and grant unto your Majesty, the sum of one million five hundred thousand pounds, to be raised in manner following; that is to say, The sum of nine hundred thousand pounds by annuities, after the rate of three pounds *per centum*; and the sum of six hundred thousand pounds by a lottery, to consist of sixty thousand tickets, every blank to be of the value of six pounds; the blanks and prizes to be attended with the like three pounds *per centum* annuities, in such manner and form as are herein after appointed; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for or towards raising the said sum of one million five hundred thousand pounds, it shall and may be lawful to and for all persons, natives or fo-

The sum of 1,500,000 l. granted; to be raised, viz. 900,000 l. thereof by annuities, and 600,000 l. by a lottery.

Natives or foreigners, who, in books opened at the bank,

reigners, and bodies politick or corporate, who, in pursuance of the said resolution, shall have, on or before the eighth day of *May*, one thousand seven hundred and sixty six, in books opened at the bank of *England* for that purpose, subscribed and agreed to contribute to the payment of the said sum of nine hundred thousand pounds, and in pursuance of the said resolution deposited with, or paid to, the cashier or cashiers of the governor and company of the bank of *England*, for the time being, the sum of fifteen pounds *per centum*, in part of the sums by them subscribed respectively, towards raising the said sum of nine hundred thousand pounds, to advance and pay, and they, or their executors, administrators, successors, and assigns, are hereby required to advance, and pay to the said cashier or cashiers (who is and are hereby appointed the receiver or receivers, as well of such contributions, as of the contributions upon account of the said lottery, without any further or other warrant to be sued for, had, or obtained, in that behalf) the remainder of the several sums so subscribed towards the said sum of nine hundred thousand pounds, on or before the respective days, and in the proportions herein after limited.

have subscribed to the said sum of 900,000 l.

and deposited 15 l. per cent. of their subscription-money,

are to pay the remainder as herein directed.

II. And, for raising the said sum of six hundred thousand pounds by way of lottery, be it further enacted by the authority aforesaid, That the contributors to the said sum of nine hundred thousand pounds, who shall have made such deposit as aforesaid, or the executors, administrators, successors, or assigns, of such contributors, shall, for every sixty pounds so subscribed and agreed to be contributed towards the said last mentioned sum, be respectively intitled to four tickets in such lottery, upon payment of ten pounds for each ticket, on or before the respective days, and in the proportions herein also after appointed.

The said contributors are intitled, for every 60 l. so subscribed, to 4 tickets in the lottery,

paying 10 l. for each ticket.

III. And be it further enacted by the authority aforesaid, That the contributors, or the executors, administrators, successors, or assigns, of such contributors, who shall have made such deposit as aforesaid of fifteen pounds *per centum*, in part of the sums by them severally subscribed, as a security for making their future payments towards the said sum of nine hundred thousand pounds, shall make the same accordingly on or before the respective days, and in the proportions following; that is to say, The further sum of ten pounds *per centum per annum*, being part of the sum so remaining, on or before the ninth day of *June*, one thousand seven hundred and sixty six; the further sum of ten pounds *per centum*, other part thereof, on or before the fifteenth day of *July* then next following; the further sum of fifteen pounds *per centum*, other part thereof, on or before the fifteenth day of *August* then next following; the further sum of fifteen pounds *per centum*, other part thereof, on or before the fifteenth day of *September* then next following; the further sum of fifteen pounds *per centum*, other part thereof, on or before the fifteenth day of *October* then next following; and the remaining sum of twenty pounds *per centum*, on or before the fifteenth day of *November* then next following; and that the

Remainder of the subscriptions towards the said annuities to be paid; viz.

10 l. per cent. by 9 June, 1766;

10 l. per cent. by 15 July;

15 l. per cent. by 15 August;

15 l. per cent. by 15 Sept.

15 l. per cent. by 15 Oct. and

20 l. per cent. by 15 Nov.

Subscriptions to the lottery to be paid, viz.

25*l.* per cent. by 20 June;
35*l.* per cent. by 15 July; and
40*l.* per cent. by 15 Sept.
Subscribers to the said sum of 900,000*l.* intitled to an annuity of 3*l.* per cent.

Interest to commence from 5 Jan. 1766.

The 600,000*l.* to be raised by a lottery, to carry an interest of 3*l.* per cent.

to commence from 5 Jan. 1767.

Interest on both sums to

Subscribers paying the whole of their subscriptions towards the annuities on or before 13 October,

and to the lottery, on or before 14 July, to be allowed interest, by way of discount, for the same.

monies to be paid by the said contributors, or their executors, administrators, successors, or assigns, towards raising the said sum of six hundred thousand pounds by way of lottery, shall be paid to the said cashier or cashiers on or before the respective days, and in the proportions following; that is to say, The sum of twenty five pounds *per centum* of such monies, on or before the twentieth day of *June*, one thousand seven hundred and sixty six; the further sum of thirty five pounds *per centum*, other part thereof, on or before the fifteenth day of *July* then next following; and the remaining sum of forty pounds *per centum*, on or before the fifteenth day of *September* then next following.

IV. And be it further enacted by the authority aforesaid, That the several subscribers or contributors, their executors, administrators, successors, and assigns, in respect of the said sum of nine hundred thousand pounds, shall be intitled to an annuity after the rate of three pounds *per centum per annum*, for and upon every one hundred pounds by them respectively subscribed, advanced, and paid, towards the said sum, redeemable by parliament; which annuity shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty six; and that the said sum of six hundred thousand pounds, to be raised by the said lottery, shall carry an annuity after the rate of three pounds *per centum per annum*, redeemable by parliament; and such last mentioned annuity shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty seven; and all the said annuities shall, from their said respective commencements, be paid by half yearly payments, in even and equal portions, on the fifth day of *July*, and the fifth day of *January*, in every year.

V. And be it further enacted by the authority aforesaid, That all such subscribers or contributors, their executors, administrators, successors, and assigns, paying in the whole of the sums by them respectively subscribed towards the said sum of nine hundred thousand pounds, on or before the thirteenth day of *October*, one thousand seven hundred and sixty six; or paying in the whole of the respective sums to be by them paid towards the said lottery, on or before the fourteenth day of *July* next; shall be allowed an interest, by way of discount, after the rate of three pounds *per centum per annum*, on the monies so paid for completing their contributions respectively, to be computed from the day of completing the same, to the fifteenth day of *November*, one thousand seven hundred and sixty six, in respect of the monies so paid for completing such contributions to the said sum of nine hundred thousand pounds; and to the fifteenth day of *September*, one thousand seven hundred and sixty six, in respect of the monies so paid for completing such contributions to the said lottery; which allowances shall be paid by the said cashier or cashiers out of the monies so contributed respectively, as soon as such subscribers or contributors, their executors, administrators, successors, or assigns, shall have completed such

respective payments; and that all the contributors towards the said lottery, their executors, administrators, successors, or assigns, paying in the whole of the money to be by them respectively contributed towards the said sum of six hundred thousand pounds, shall have lottery tickets delivered to them to the amount of the principal sum so by them paid for the purchase thereof; at the rate of ten pounds for each ticket, as soon as such tickets can conveniently be made out.

Tickets for the lottery to be delivered to subscribers completing their subscriptions.

VI. And be it further enacted by the authority aforesaid, That all the said annuities shall be transferrable at the bank of *England*.

Annuities made transferrable.

VII. And be it further enacted by the authority aforesaid, That the cashier or cashiers of the governor and company of the bank of *England*, who shall have received or shall receive any part of the said contributions towards the said sum of nine hundred thousand pounds, shall give a receipt or receipts in writing to every such contributor for all such sums; and that such receipt shall be assignable, by indorsement thereupon made, at any time before the fifth day of *December*, one thousand seven hundred and sixty six, and no longer.

Receipts to be given for the money paid in towards the said sum of 900,000 l. the same are made transferrable.

VIII. Provided always, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury, or the high treasurer for the time being, for duly answering and paying into the receipt of his Majesty's exchequer for the publick use, all the monies which he or they hath or have already received, and shall hereafter receive, from time to time, of and for the said sum of one million five hundred thousand pounds, and for accounting duly for the same, and for performance of the trust hereby in him and them reposed; and shall, from time to time, pay all such monies as soon as he or they shall receive the same, or any part thereof, or within five days afterwards at the farthest, into, and shall account for the same in, the exchequer, according to the due course thereof; deducting thereout such sums as shall have been paid by him or them in pursuance of this act; for which sums so paid allowance shall be made in his or their accounts.

Cashier of the bank to give security for duly accounting for, and paying over the said monies into the exchequer.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for three or more of the commissioners of the treasury, or the high treasurer for the time being, to issue and apply, from time to time, all such sums of money as shall be so paid into the receipt of his Majesty's exchequer by the said cashier or cashiers, to such services as shall then have been voted by the commons of *Great Britain* in this present session of parliament.

Treasury to apply the money to the services voted this session.

X. And be it further enacted by the authority aforesaid, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being a book or books shall be provided and kept, in which the names of the contributors shall be fairly entered; which book or books the said respective contributors, their respective executors, administrators, successors, and assigns, shall and may, from time to time,

Names of contributors to be entered in books to be provided by the accomptant general of the bank;

to be inspected gratis : time, and at all seasonable times, resort to and inspect, without any fee or charge; and that the said accomptant general shall, on or before the fifth day of *July*, one thousand seven hundred and sixty eight, transmit an attested duplicate, fairly written on paper, of the said book or books into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

Contributors, duly paying their contribution monies, intituled to a proportionable share of the annuities;

and the same are to be tax-free;

but where the sums subscribed shall not be duly paid,

the deposit, &c. is forfeited to the publick.

Credit to be given, in the books at the bank, to contributors completing their payments to the said sum of 900,000 l.

Persons, to whose credit such sums shall be placed, may assign the same;

XI. And be it further enacted by the authority aforesaid, That such contributors duly paying their contribution-monies at or before the respective times in this act limited in that behalf, and their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intituled, by virtue of this act, to have, receive, and enjoy, their proportionable share of the said annuities of three pounds *per centum per annum* by this act granted, and shall have good and sure interests and estates therein, subject nevertheless to redemption as is herein after mentioned; and that all the annuities by this act granted, shall be free from all taxes, charges, and impositions, whatsoever.

XII. Provided always, That in case any such contributors, who have already deposited with, or shall hereafter pay to, the said cashier or cashiers, any sum or sums of money, at the times and in the manner before mentioned, in part of the sum or sums to be by them respectively contributed or paid towards the said sum of nine hundred thousand pounds, or their respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers the residue of the sum or sums so to be contributed or paid, at the times and in the manner before-mentioned; then, and in every such case, so much of the respective sum or sums as shall have been actually paid, in part thereof, to the said cashier or cashiers, shall be forfeited for the benefit of the publick; and all right and title to the said annuities, after the rate of three pounds *per centum per annum*, in respect thereof, shall be extinguished; any thing in this act contained to the contrary thereof in any wise notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That as soon as any contributors, their executors, administrators, successors, or assigns, shall have completed their payments of the whole sum payable by them respectively towards the said sum of nine hundred thousand pounds, the principal sum or sums so by them subscribed and paid respectively, shall forthwith be, in the books of the bank of *England*, placed to the credit of such respective contributors, their executors, administrators, successors, and assigns, completing such payments respectively; and the persons to whose credit such principal sums shall be so placed, their respective executors, administrators, successors, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, body or bodies politick or corporate, whatsoever, in the books of the bank of *England*; and

and such sums shall carry an annuity after the rate of three pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable, according to the true intent and meaning of this act, until redemption thereof, in such manner as is herein after mentioned.

the said sums to carry 3 l. per cent. interest, and be deemed transferrable stock.

XIV. And be it further enacted by the authority aforesaid, That all the annuities by this act granted and made payable, in respect of the said sum of one million five hundred thousand pounds, shall, from the respective commencements thereof, be charged and chargeable upon, and are hereby charged upon, and made payable out of, the monies which shall, from time to time, arise and be in the receipt of his Majesty's exchequer, of or for the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The sinking fund*, after paying or reserving sufficient to pay all such sums of money as have been directed by any former acts of parliament to be paid out of the same.

Annuities charged on the sinking fund.



XV. And, for establishing a proper method for drawing the said lottery, be it further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform, such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers or directors shall meet together, from time to time, at some publick office or place, for the execution of the powers and trusts in them reposed by this act; and that the said managers and directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns; and upon the innermost of the said three columns there shall be printed sixty thousand tickets, to be numbered, one, two, three, and so onwards in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of sixty thousand; and upon the middle column in every of the said books shall be printed sixty thousand tickets of the same breadth and form, and numbered in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes, or devices, in such manner as the said managers and directors, or the major part of them, shall think most safe and convenient; and that every ticket in the third or extreme column of the said books shall have written or printed thereupon (besides the number of such ticket) words to this effect:

Managers and directors of the lottery to be appointed by the treasury.

Method of the lottery books.

LOTTERY, Anno one thousand seven hundred and sixty six.

THIS Ticket will intitle the bearer thereof to six pounds, or to a better chance, in annuities, at the rate of three pounds *per centum*, established by an act of parliament made in the sixth year of his Majesty's reign, and transferrable at the bank of *England*.

Managers to examine the books with the tickets, and deliver them after to the cashiers of the bank, taking a receipt for the same.

XVI. And it is hereby enacted, That the said managers and directors, or so many of them as shall be present at such meeting, or the major part of them then present, shall carefully examine all the said books, with the tickets therein, and take care that the same be contrived, numbered, and made, according to the true intent and meaning of this act; and shall deliver; or cause to be delivered, the same books, and every or any of them, as they shall be examined, to the cashier or cashiers of the governor and company of the bank of *England*, taking from such cashier or cashiers an acknowledgement in writing, under his or their hand or hands, importing his or their receipt of such book or books, and so many tickets therein as shall be delivered to him or them respectively; and all and every such cashier or cashiers respectively is and are hereby directed and required, from time to time, to cut out of the said book or books so to be put into his or their custody, through the said oblique lines, flourishes, or devices, indentwise, in the said extreme columns; such tickets as shall be necessary to be delivered to the several persons intituled thereto as aforesaid; which tickets the said cashier or cashiers shall sign with his or their own name or names; and he or they shall permit the respective person or persons so intituled, if it be desired, to write his or her name or mark on the corresponding tickets in the same book; and at the same time the said cashier or cashiers shall deliver to such person or persons the ticket so cut off, which he, she, or they, are to keep and use for the better ascertaining and securing the interest which he, she, or they, his, her, or their executors, administrators, successors, or assigns, shall or may have in the said annuities.

Cashiers to return the books with the remainder of the tickets.

XVII. And be it further enacted by the authority aforesaid, That the said cashier or cashiers, on or before the third day of *October*, one thousand seven hundred and sixty six, shall re-deliver to the said managers and directors, at their said office or place of meeting, all the said books, and therein all the tickets which the said cashier or cashiers shall not have cut out of the same, and delivered to the persons intituled thereto, as aforesaid; and shall then and there also deliver to the said managers and directors a true and just account in writing, under his or their hand or hands, of all sums of money accrued or come to the hands of such cashier or cashiers, by or for the tickets delivered, or to be delivered, out pursuant to this act, and how the same, or how much thereof, shall have been actually paid by

by such cashier or cashiers into the receipt of the exchequer for the purposes herein mentioned.

XVIII. And be it further enacted, That the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, shall cause all the tickets of the middle columns in the books made out with three columns, as aforesaid, which shall be delivered back to them, by or from the said cashier or cashiers as aforesaid, to be carefully rolled up and made fast with thread or silk; and the said managers or directors, or the major part of them as aforesaid, shall, in their presence, and in the presence of such contributors or adventurers as will be there, cause all the said tickets, which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, flourishes, or devices, into a box to be prepared for that purpose, and to be marked with the letter (A) which is presently to be put up into another strong box, and to be locked with seven different locks and keys, to be kept by as many of the said managers, and sealed with their seals, or the seals of some of them, until the said tickets are to be drawn, as is herein after mentioned; and that the tickets in the first or innermost columns of the said books, shall remain still in the books for discovering any mistake or fraud (if any should happen to be committed) contrary to the true meaning of this act.

XIX. And be it further enacted by the authority aforesaid, That the said managers and directors, or the major part of them, which shall be present at any meeting as aforesaid, shall also prepare, or cause to be prepared, other books, in which every leaf shall be divided or distinguished into two columns; and upon the innermost of those two columns there shall be printed sixty thousand tickets, and upon the outermost of the said two columns there shall be printed sixty thousand tickets, all which shall be of equal length and breadth, as near as may be; which two columns in the said books shall be joined with some flourish or device, through which the outermost tickets may be cut off indentwise; and that eleven thousand nine hundred and forty five tickets, part of those to be contained in the outermost columns of the books last-mentioned, shall be, and be called the fortunate tickets, to which extraordinary benefits shall belong, as is herein after mentioned; and the said managers, and directors, or the major part of them, or such of them as shall be present at a meeting as aforesaid, shall cause the said fortunate tickets to be written upon, or otherwise expressed, as well in figures as in words at length, in manner following; that is to say, Upon two of them severally ten thousand pounds principal money; upon two of them severally five thousand pounds principal money; upon every one of four of them severally, two thousand pounds principal money; upon every one of ten of them severally, one thousand pounds principal money; upon every one of twenty of them severally, five hundred pounds principal money; upon every one of one hundred of them severally, one hundred pounds principal money; upon every one

Tickets of the middle columns to be rolled up, and fastened with silk;

and cut off indentwise into a box marked with the letter (A)

Box to be locked up and sealed.

Books to be prepared with 2 columns, on each of which 60,000 tickets to be printed.

The number and value of the fortunate tickets.

500 l. to the first drawn ticket, and 1000 l. to the last drawn.

Tickets of the outermost columns of the last-mentioned book to be rolled up and tied,

and cut out indentwise, into a box marked with the letter (B) Box to be locked up and sealed.

Publick notice to be given of times of putting the tickets into the boxes.

Lottery to begin drawing on 17 Nov. 1766.

Method to be observed in drawing, &c.

of two hundred and one of them severally, fifty pounds principal money; upon every one of eleven thousand six hundred and six of them severally, twenty pounds principal money: which principal sums, so to be written, or otherwise expressed upon the said fortunate tickets, together with five hundred pounds principal money, to be allowed to the owner of the first drawn ticket, and one thousand pounds principal money to the owner of the last drawn ticket, over and above the benefits which may happen to belong to the two last mentioned tickets, and, together with the sum of six pounds which shall be paid or allowed for and upon each blank or unfortunate ticket of the said lottery, will amount in the whole to the principal sum of six hundred thousand pounds, to be converted into annuities by virtue of this act in respect of the said lottery; and the said managers and directors, or the major part of them, who shall be present at a meeting as aforesaid, shall cause all the said tickets contained in the outermost columns of the said last-mentioned books to be, in the presence of the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, and in the presence of such contributors or adventurers as will then be there, to be carefully rolled up and fastened with thread or silk, and carefully cut out indentwise through the said flourish or device, into another box, to be prepared for this purpose, and to be marked with the letter (B), which box shall be put into another strong box, and locked up with seven different locks and keys, to be kept by as many of the said managers, and sealed up with their seals, or the seals of some of them, until these tickets shall also be drawn in the manner and form herein after mentioned; and that the whole business of rolling up, and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed by the said managers and directors, or such of them as aforesaid, before the last six days immediately preceding the day by this act appointed for the drawing the said lottery: and to the end every person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box marked with the letter (A) from whence the same may be drawn, and that other matters are done as hereby directed, some publick notification in print shall be given of the precise time or times of putting the said tickets into the said boxes, to the end that such adventurers, as shall be minded to see the same done, may be present at the doing thereof.

XX. And be it further enacted by the authority aforesaid, That on or before the seventeenth day of *November*, one thousand seven hundred and sixty six, the said managers and directors shall cause the said several boxes, with all the tickets therein, to be brought into the guildhall of the city of *London*, so that the same may be there, and placed on a table provided for that purpose, by nine of the clock in the forenoon of the same day; and shall then and there severally attend this service, and cause the two boxes containing the said tickets, to be severally taken

taken out of the other two boxes, in which they shall have been locked up; and the tickets or lots in the respective innermost boxes being, in the presence of the said managers and directors, or such of them as shall be then present, and of such adventurers as will be there for the satisfaction of themselves, well shaken and mingled in each box distinctly; some one indifferent and fit person, to be appointed and directed by the said managers, or the major part of them, or such of them as shall be then present, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put; and one other indifferent or fit person, to be appointed and directed in like manner, shall take out a ticket or lot from the box where the said eleven thousand nine hundred and forty five fortunate, and forty eight thousand and fifty five blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets so drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn, shall both be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate ticket, whatsoever it be, shall be entered by a clerk, which the said managers, or the major part of them as aforesaid, shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the said fortunate tickets, and the principal sums whereunto they shall be intitled respectively, and two of the said managers shall set their names as witnesses to such entries; and the said fortunate and numbered tickets so drawn together, shall be put upon another file; and so the said drawing of the tickets shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering the fortunate lots in such method as is before mentioned, until the whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more for the last drawn as aforesaid, shall be completely drawn; and as the same cannot be performed in one day's time, the said managers and directors shall cause the boxes to be locked up and sealed in manner as aforesaid, and adjourn till the next day, and so from day to day, and every day (except *Sundays, Christmas-day, thanksgiving and fast days*) and then open the same, and proceed as above, till the said whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more, shall be completely drawn as aforesaid; and afterwards the said numbered tickets so drawn, with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and settle the property thereof.

After each day's drawing, the boxes to be locked up and sealed.

Numbers of the fortunate tickets, and the sums, to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates,

Felony.

Managers to be sworn.

XXI. *And, to the end the fortunate may know, whether absent or present, to what degree they have been so; be it enacted, That the said managers shall, as soon as conveniently may be, after the said drawing is over, cause to be printed and published the number of the tickets drawn against each fortunate ticket, and the principal sum written on the same; and if any contention or dispute shall arise in the adjusting the property of the said fortunate tickets, the major part of the said managers agreeing therein, shall determine to whom it doth or ought to belong: and if any person or persons shall forge or counterfeit any ticket or tickets, certificate or certificates, to be made forth by this act, or alter any the number thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged, or counterfeit ticket or tickets, certificate or certificates, or shall bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or to the cashier or cashiers, or accountant general of the bank of *England* for the time being, or to any other person or persons whatsoever, with a fraudulent intention; then every such person or persons being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: and the said managers and directors, or any two or more of them, are hereby authorized, required, and impowered, to cause any person or persons bringing or uttering such forged or counterfeit ticket or tickets, certificate or certificates, as aforesaid, to be apprehended, and to commit him, her, or them, to his Majesty's gaol of *Newgate*, or to the common gaol of the county or place where such person or persons shall be so apprehended, to be proceeded against for the said felony according to law.*

XXII. *Provided always, and it is hereby enacted by the authority aforesaid, That every person that shall be appointed as aforesaid to be a manager and director for putting this act in execution, before his acting in such commission, shall take the oath following; that is to say,*

I *A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament made in the sixth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me, and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whatsoever; and that I will to the best of my judgement, declare to whom any prize lot, or ticket, of right does belong, according to the true intent and meaning of the said act.*

Which said oath shall and may be administered by any two or more of the other managers and directors.

XXIII. Pro-

XXIII. Provided always, That it shall and may be lawful to and for the said cashier or cashiers, having given security as aforesaid, at any time or times, before such cashier or cashiers shall have received any book or books from the said managers, comprehending the said sixty thousand tickets as aforesaid, in three columns as aforesaid, to receive from the said contributors, or their executors, administrators, successors, or assigns, the monies to be by them respectively contributed on account of the said lottery at one intire payment, or in such proportions and manner as aforesaid, before such cashier or cashiers shall have received such book or books; and the said cashier or cashiers shall give a note or receipt under his or their hand or hands, for the sum or sums so contributed; and shall be obliged thereby, and by this act, to give the bearer of every such note or receipt a ticket or tickets of the extream column of the three columns book or books aforesaid, for every ten pounds so contributed, paid, or answered, as soon as he or they shall be enabled thereunto, by delivery of any such book or books to him or them from the said managers as aforesaid; any thing herein contained to the contrary notwithstanding.

Cashier, on receiving the residue of the sums subscribed,

to give receipts for the same; the bearers intitled to one lottery ticket for every 10 l. subscribed.

XXIV. Provided also, That in case any such contributor as aforesaid, who shall have advanced and paid down to such cashier or cashiers, a proportion of his, her, or their consideration-money, his, her, or their executors, administrators, successors, or assigns, do not advance and pay unto such cashier or cashiers the remaining part of his, her, or their consideration-money so to be paid in full for such tickets as aforesaid, on or before the times for paying thereof as aforesaid; that then, and in every such case, every such contributor shall forfeit and lose to his Majesty, for the use of the public, the proportion of his, her, or their purchase-money which he, she, or they, shall have so paid down as aforesaid; and in such case, no ticket or tickets shall be delivered out by the said cashier or cashiers to such contributor or contributors making such default, but the ticket and tickets which should have been delivered to such contributor and contributors, had they paid the full money for the same, shall be returned and delivered to the said managers and directors by the said cashier or cashiers, together with the other tickets (if any) in the outermost column of the book and books first herein mentioned, and directed to be prepared, which shall not have been disposed of to contributors as aforesaid, and such ticket and tickets, upon and for which defaults of payments shall have been made as aforesaid, shall be delivered into the receipt of his Majesty's exchequer, with the other undisposed tickets (if any) there to be retained and kept as cash, and to be issued, sold, and disposed of, for the purposes of this act, as by the commissioners of the treasury, or the high treasurer for the time being, shall be directed and appointed; and the said contributor and contributors making such default, shall not have or receive, or be intitled to have or receive, any benefit or advantage for or in respect of the money which

Contributors not making good their payments with respect to the said lottery, within the times limited, to forfeit their deposits;

and the tickets for such sums to be delivered back into the exchequer.

he, she, or they, shall have paid for or towards the purchase of such ticket or tickets; any thing herein contained to the contrary notwithstanding.

Managers, &c. to be paid by the commissioners of the treasury.

XXV. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies composing the said fund, commonly called *The sinking fund*, it shall and may be lawful to and for any three or more of the commissioners of the treasury, or the high treasurer for the time being, to reward the said managers and directors, and the clerks and officers to be employed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains, and to discharge such incident expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Limitation of sale of chances, &c.

XXVI. And be it further enacted by the authority aforesaid, That no person or persons shall sell the chance or chances of any ticket or tickets in the said lottery, or any share or shares of any ticket or tickets in the said lottery, for a day or part of a day, or for a longer time less than the whole time of drawing the lottery then to come; or shall receive any money whatsoever in consideration of the repayment of any sum or sums of money, in case any ticket or tickets in the said lottery shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets in the said lottery either as to the time of such ticket or tickets being drawn, or whether such ticket or tickets be drawn fortunate or unfortunate; and all and every person and persons who shall offend in any of the said matters, shall forfeit and pay treble the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and every such sale, wager, or contract, and every agreement relating thereto, shall be, and is hereby declared null and void.

Penalty.

Persons selling shares in tickets of which they are not possessed,

XXVII. And be it further enacted by the authority aforesaid, That if any person or persons shall keep any office or offices, or shall print or publish any scheme or proposal, for receiving any sum or sums of money in consideration of any interest to be granted for the same, in any ticket or tickets in the said lottery, whereof such person or persons shall not then be actually possessed, or in consideration of any sum or sums of money to be repaid, in case any ticket, or number of tickets, in the said lottery, which shall not be in the actual possession of such person or persons, shall prove fortunate or unfortunate; all and

and every such person and persons shall forfeit and pay the sum of five hundred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, and successors, and the other moiety to be paid to the person or persons who shall sue for the same; and also shall suffer three months imprisonment without bail or mainprize.

forfeit 500l.

XXVIII. And be it further enacted by the authority aforesaid, That if any offence against this act, or any of the acts of parliament made in this kingdom for preventing private and unlawful lotteries, shall be committed in *Ireland*, the offender shall incur the like penalty and punishment, to be inflicted in like manner as if the offence was committed in this kingdom; and that such penalties as, by this act, or any of the said acts, are directed to be recovered in any of his Majesty's courts of record at *Westminster*, shall, in case of offences committed against this act or any of the said acts in *Ireland*, be recovered in any of his Majesty's courts of record in *Dublin*.

Offences committed in *Ireland* against acts for preventing unlawful lotteries, declared to be punishable, and may be sued for in *Dublin*.

XXIX. And to the end that all and every the payments, as well upon the fortunate as upon the unfortunate tickets, may be more easily ascertained, settled, and adjusted, for the persons who shall become entitled thereunto; be it further enacted by the authority aforesaid, That as soon as conveniently may be after the drawing of the said lottery shall be completed and ended, all and every the said tickets to be given out as aforesaid, shall be exchanged for certificates to be signed by such of the said managers as shall be appointed for that purpose.

After the drawing of the lottery, the tickets to be exchanged for certificates.

XXX. And be it further enacted, That such of the said managers as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall appoint to take in the said tickets, and deliver out the said certificates for and in lieu thereof, shall give timely notice, by advertisement to be printed and published in manner as they shall think fit, of the days and times for taking in the said tickets, and delivering out the said certificates, for and in lieu of the same; and every person's certificate shall be numbered in course, according to their bringing their tickets to the managers so to be appointed for exchanging the same; to which purpose, such managers shall enter, or cause to be entered, into a book or books to be by them kept for that purpose, the name of every person who shall bring any ticket or tickets to be exchanged for such certificate or certificates, and the number or numbers of the ticket or tickets which shall be so brought by such person or persons, the value in principal money payable thereupon, and the day of the month, and the year of our Lord, when the same was so brought; which book and books shall lie open in the office to be appointed for taking in the said tickets to be exchanged for such certificates, for all persons concerned to peruse; all which certificates

Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c.

Books to be kept for entering persons names, and the number of their tickets, &c.

Certificates to be signed, &c.

cates shall be signed by the managers so to be appointed, or the major part of them, and be directed to the accomptant general of the bank of *England* for the time being.

Accomptant general to give credit for the principal sums in the certificates.

Assignments may be made of the said sums, &c.

Certificates to be filed and cancelled, and notes to be given in lieu thereof.

Bank to employ a chief clerk and accomptant general.

Monies to be issued out of the sinking fund, from time to time, to the said clerk, for payment of the annuities;

XXXI. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in a book or books to be by him provided and kept, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, successors, and assigns, shall and may have power to assign or transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in books to be prepared and kept by the said accomptant general; and the said principal sums so assigned or transferred shall carry the said annuity of three pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by virtue of this act, until the redemption thereof in manner herein mentioned; and the said accountant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall, from time to time, be received and taken in by him; and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XXXII. And, for the more effectual execution of this act, be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall, from time to time, until the said annuities shall be redeemed, appoint or employ one or more sufficient person or persons within their office in the city of *London* to be their chief or first cashier or cashiers, and one other sufficient person within the same office to be their accountant general; and that so much of the monies, from time to time, and at any time, arising or being in the receipt of the exchequer of or for the surplusses, excesses, overplus monies, and other revenues composing the fund, commonly called *The sinking fund*, as shall be sufficient, from time to time, to answer the half-yearly payments of the said annuities, shall (after paying, or reserving sufficient to pay, all such sums of money as, before the passing of this act, shall have been directed by any former acts of parliament to be paid out of the said fund) by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained, in that behalf, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of

of the bank of *England* and their successors for the time being, by way of imprest and upon account, for the payment of the said annuities; and that such cashier or cashiers to whom the said monies shall, from time to time, be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

who is to apply the same accordingly, and render an account thereof.

XXXIII. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

Accountant general to inspect the receipts and payments, with the vouchers.

XXXIV. And be it further enacted by the authority aforesaid, That all persons and corporations intituled to any of the said annuities, and their executors, administrators, successors, and assigns, respectively, and all persons and corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible estates and interests in the same, according to the tenor and true meaning of this act, and shall be possessed thereof as of a personal estate, which shall not be descendable to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise; any law, custom, or usage, to the contrary notwithstanding.

Annuities deemed a personal estate,

XXXV. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall be intituled by virtue of this act, in respect of any sum advanced or contributed towards the said sum of nine hundred thousand pounds, on which the said annuities, after the rate of three pounds *per centum*, shall be attending, and the principal sums to be determined by the drawing of the said lottery, to be attended with annuities after the like rate, shall be added to and made part of the joint stock of annuities transferrable at the bank of *England*, into which the several sums carrying an interest after the same rate were converted by certain acts of parliament, made in the twenty fifth, twenty eighth, and twenty ninth, years of his late Majesty's reign, and by several other acts; subject, nevertheless, to redemption by parliament, in such manner and upon such notice as in the said act made in the twenty fifth year of his said late Majesty's reign is directed, in respect of the several and respective sums, or any part thereof, for which the several and respective annuities therein mentioned, or any of them, are payable; and that all and every person and persons, and corporations, whatsoever, in proportion to the money to which he, she, or they, shall be intituled as aforesaid, shall have, and be deemed to have, a proportional interest and share in the said joint stock of annuities.

and to be added to the joint stock transferrable at the bank; subject to redemption.

XXXVI. And be it further enacted by the authority aforesaid, That books shall be constantly kept by the said accountant general for the time being, wherein all assignments or transfers of all sums advanced or contributed towards the said sum of nine hundred thousand pounds, and of all sums determined

Transfer books to be kept by the accountant general.

Method of transferring stock.

and ascertained by the drawing of the said lottery, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the party or parties making such assignments or transfers; or, if any such party or parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized, by writing under his, her, or their hand and seal, or hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring any part of the said annuities or principal sums shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them.

Annuities deviseable by will.
Entry to be made of such clause in the will.

XXXVII. Provided always, That all persons possessed of any estate, share, or interest, in the said annuities, may devise the same by will; but that no payment shall be made upon any such devise, until so much of the said will as relates to such estate, share, or interest, be entered in the office of the said governor and company; and that in default of such transfer or devise, such share, estate, or interest, shall go to the executors, administrators, or successors.

Treasury to pay all incidental charges attending the execution of this act;

XXXVIII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall have power, and he and they is and are hereby authorized to defray such incidental charges as shall necessarily attend the execution of this act, in such manner as to him or them shall seem just and reasonable, out of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The sinking fund*; and also to appoint such allowances as he or they shall think proper, out of the said fund, for the service, pains, and labour, of the said cashier or cashiers in receiving, paying, and accounting for, the said contributions and the said annuities; and for the service, pains, and labour of the said accountant general, for performing the trust hereby reposed in him: all which allowances to be made as aforesaid in respect of the service, pains, and labour, of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

and to make an allowance to the cashier, and accountant general;

to be at the disposal of the governor and company of the bank.

Bank to continue a corporation till these annuities be redeemed, &c.

XXXIX. Provided always, and be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, notwithstanding the redemption of all or any of their own funds in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, until all the said annuities shall be redeemed by parliament; and that the said governor and company of the bank of *England*, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing, in pursuance of this act.

XL. And be it further enacted, That no fee, reward, or No fee to be
 gratuity whatsoever, shall be demanded or taken of any of his taken for re-
 Majesty's subjects, for receiving or paying the said contribu- ceiving or
 monies, or any of them, or for any tallies or receipts concern- paying the
 ing the same, or for issuing the monies for paying the said an- contribution-
 nuities, or any of them, or for any transfer of any sum, great monies, an-
 or small, to be made in pursuance of this act; upon pain that nuities, &c.
 any offender, or person offending by taking or demanding any
 such fee, reward, or gratuity, shall, for every such offence, for-
 feited the sum of twenty pounds to the party aggrieved, with full on penalty of
 costs of suit; to be recovered by action of debt, bill, plaint, or 20l.
 information, in any of his Majesty's courts of record at *West-*
minster; wherein no essoin, protection, privilege, or wager of
 law, injunction, or order of restraint, or any more than one
 imparlance, shall be granted or allowed.

XLL. And be it further enacted by the authority aforesaid,
 That if any person or persons shall be sued, molested, or pro-
 secuted, for any thing done by virtue or in pursuance of this General issue. 1
 act, such person or persons shall and may plead the general
 issue, and give this act, and the special matter, in evidence,
 in his, her, or their defence or defences; and if afterwards a
 verdict shall pass for the defendant or defendants, or the plain-
 tiff or plaintiffs shall discontinue his, her, or their action or
 prosecution, or be nonsuited, or judgement shall be given against
 him, her, or them, upon demurrer or otherwise; then such de- Treble costs,
 fendant or defendants shall have treble costs awarded to him,
 her, or them, against any such plaintiff or plaintiffs.

C A P. XL.

*An act for explaining and amending such part of an act made
 in the third year of the reign of his present Majesty, as
 relates to certain duties on wines imported; for the more
 easy collecting, and effectually securing, the stamp duties for
 copies of court rolls; for relief of persons who have omitted
 to insert in indentures, or other writings, the full sum
 agreed to be paid with clerks, apprentices, and other ser-
 vants; for amending such parts of two acts made in the
 last session of parliament, as relate to certain East India
 goods, and bugles, exported to Africa; for permitting a
 certain quantity of wheat, barley, oats, meal, and flour, to
 be exported from Great Britain to the isle of Man, for the
 use of the inhabitants there; for allowing the exportation
 of certain quantities of coals, free from the payment of the
 duty granted by an act made in the last session of parlia-
 ment, to the islands of Jersey, Guernsey, and Alderney;
 and for obviating certain doubts with respect to the im-
 portation of oats and oat-meal, under the authority of an
 act made in this present session of parliament.*

Preamble, re-
citing clauses
in act 3 Geo. 3,
c. 29.

WHEREAS by an act of parliament made in the third year of the reign of his present Majesty, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries, to be charged on the said duties; it is, amongst other things, enacted, That from and after the thirtieth day of March, one thousand seven hundred and sixty three, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever due or payable for all wines and vinegar imported into Great Britain, by any act or acts of parliament then in force, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors (before landing thereof) the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback on re-exportation afterwards; that is to say, for every ton of French wine and French vinegar which shall be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines and vinegar so imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity; the same to be raised, levied, collected, paid, and recovered, in such manner and form, and by such ways, means, and methods, and under such penalties and forfeitures (except as to discounts and drawbacks aforesaid) as are mentioned and expressed in the act of parliament made and passed in the first year of the reign of his late majesty King James the Second, intituled, An act for granting his Majesty an imposition upon all wines and vinegar imported between the twentieth fourth day of June, one thousand six hundred and eighty five, and the twentieth second day of June, one thousand six hundred and ninety three, or in any other act or acts of parliament, by which the said impositions, rates, and duties, upon all wines and vinegar imported, were continued and made perpetual: and whereas by the said recited act of the third year of the reign of his present Majesty, it is also enacted, That no merchant shall, in respect of the duties imposed by that act, be allowed twelve pounds per centum, or have any allowance for leakage, upon any wines imported into this kingdom, unless such wine be imported directly from the country or place of the growth of the said wine, or the usual port or place of it's first shipping; except Madeira wines imported into this kingdom from any of his Majesty's plantations in America: and whereas the said respective duties of eight pounds and four pounds per ton, imposed upon wines by the said recited act, have been collected and paid, without any discount or deduction inwards, according to the true intent and meaning of the said act: and whereas some doubts and questions have nevertheless been lately made, whether the before mentioned allowance of twelve pounds per centum for leakage, should be deducted out of the said duties for such wines as were imported directly from the country or place of the growth of the said wine: for the obviating and clearing of which doubts, with regard as well to the time past as to come, and for the acquitting,

& act 1 Jac. 1.

discharging, and indemnifying, all persons whatsoever, who have any way acted, or been concerned in, the charging, collecting, paying, or receiving, the said respective duties of eight pounds and four pounds per ton imposed upon wines by the said recited act, or who shall be concerned or act in the charging, collecting, paying, or receiving, the same for the future, and for the supporting and establishing the fund by the said act of parliament intended to be created, for the securing such annuities as should be purchased pursuant to the said act of parliament; and for the explanation of the said act; may it therefore please your Majesty that it may be enacted; and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said additional duties of eight pounds for every ton of French wine, and four pounds for every ton of all other wines, imported into this kingdom, given and granted by the said recited act of parliament, made and passed in the third year of the reign of his present Majesty, from and after the thirty first day of March, one thousand seven hundred and sixty three, were by the said act intended, and shall be, and ought to be paid, and payable to his Majesty, his heirs, and successors, for the uses and purposes in the said act expressed, without any discount or deduction inwards; and all persons whatsoever who have been concerned, or who have acted in the charging, collecting, paying, or receiving, the said respective duties of eight pounds and four pounds imposed on wines by the said recited act as aforesaid, are and shall respectively, by virtue of this act, be acquitted and discharged, and indemnified in respect thereof.

The additional duties of 8 l. per ton on French wines, and 4 l. per ton on other wines, granted by the recited act of 3 Geo. 3. declared to be intended to be paid without any discount inwards, &c.

II. And be it further enacted by the authority aforesaid, That so much of the said recited act of the third year of his present Majesty's reign, as relates to the allowance of twelve pounds *per centum* for leakage, out of the said duties of eight pounds and four pounds *per ton*, by the said act imposed on wines imported directly from the place of their growth, shall be, and is hereby repealed, and annulled, and made void, to all intents and purposes whatsoever.

So much of the said act, as relates to the allowance of 12 l. per cent. in respect of leakage, repealed.

III. *And whereas by a clause in an act of parliament made in the last session of this present parliament, and in the fifth year of his present Majesty's reign, intituled, An act for altering the stamp duties upon admissions into corporations or companies, and for further securing and improving the stamp duties in Great Britain, reciting, That by an act of parliament made in the tenth year of the reign of her late majesty Queen Anne, for laying several duties upon soap, and for other purposes therein mentioned, a stamp duty of two shillings and three pence, among other duties, is laid on every skin or piece of vellum or parchment, or sheet or piece of paper, upon which should be ingrossed or written any surrender of, or admittance to, any copyhold land or tenement, within those parts of Great Britain called England, Wales, and the town of Berwick upon Tweed, or any grant or lease by copy of court roll, or any other copy of the court roll*

Clause in act of 5 Geo. 3.

of any honor or manor within the same parts of Great Britain, or any of them (other than and except the original Surrender to the use of a will, and the court roll, or book, wherein the proceedings of the court are entered or inrolled) and reciting, That great frauds had been committed in the said duty, by stewards and others receiving the same, together with their own fees, without ever making out or delivering the said copies; and, for preventing the same for the future, it was and is declared and enacted, That from and after the fifth day of July, one thousand seven hundred and sixty five, if any steward or other officer of any copyhold court should demand, take, or receive, from any person whatsoever, any fee or fees for any such surrender, admittance, grant, or lease, or any other copy of any court roll, without at the same time demanding and receiving the stamp duty due thereon, and delivering such surrender, or admittance, grant, or lease, or copy, to the person intitled thereto; then, and in every such case, every such steward or other officer shall, for every such offence, forfeit and pay the sum of ten pounds: and whereas the said clause hath been found to be attended with great inconvenience, in regard to the time of delivering the copies of every surrender, admittance, grant, or lease, which is impossible to be done at the court in which such business is transacted; for remedy whereof, be it declared and enacted by the authority aforesaid, That the intention of the said clause, and the time meant thereby for delivering the copy of such surrender, admittance, grant, or lease, was, as soon as the same could be properly prepared and made out after the receiving the fee or fees and stamp duty thereon, and not at the time, or immediately upon, receiving the same.

Intention of the recited act, with respect to the time meant for delivering copies of court rolls.

Officer of the court not liable to forfeit, if the copies be delivered within a year.

IV. *And, for the preventing any doubts in regard thereto for the future*, be it further enacted by the authority aforesaid, That from and after the seventh day of June, one thousand seven hundred and sixty six, every such steward or other officer of any such copyhold court shall be obliged to deliver the copy of such surrender, admittance, grant, or lease, to the person intitled thereto, or to some person authorized by him or her to receive the same; and if no person shall be so authorized, then to the bailiff of the manor, for the use of such person, within one year from the holding such respective court; and shall not incur the said forfeiture or penalty inflicted by the said clause for not delivering the same, till after the expiration of one year from the day of holding such court; any thing in the said first recited act to the contrary in any wise notwithstanding.

V. *And, for relief of all persons who have omitted to insert and write, in words at length, in indentures or other writings which contain the covenants, articles, contracts, or agreements, relating to the service of any clerk, apprentice, or servant, the full sum or sums of money, or any part thereof, received, or in any wise directly or indirectly given, paid, or agreed, or contracted for, with, or in relation to, every such clerk, apprentice, or servant, as aforesaid; be it therefore enacted by the authority aforesaid, That upon payment of the rates and duties upon the monies, or such part of the monies so omitted to be inserted and written, in words at length,*

Further time allowed to persons who

length, in such indentures or other writings as aforesaid, on or before the twenty ninth day of *September*, one thousand seven hundred and sixty six, to such person or persons to whom the same ought to be paid, of which timely notice is to be given in the *London Gazette*; the same indentures or other writings shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercising their respective intended trade or employment, in the same manner as they could have done in case the full sum or sums received or agreed for, as aforesaid, had been inserted; and the persons who have incurred any penalties by the omission aforesaid, shall be acquitted and discharged of and from the said penalties; any thing in any former act of parliament to the contrary notwithstanding.

VI. *And whereas by an act passed in the fifth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on the exportation of coals; and of several East India goods; and upon policies of assurance for retaining, upon the exportation of white callicoos and muslins, a further part of the duties paid on the importation thereof; and for obviating a doubt with respect to stamp duties imposed upon deeds by two former acts; it is amongst other things enacted, That upon the entry of any wrought silks, bengals, and stuffs mixed with silk or herba of the manufacture of Persia, China, or East India, or callicoos painted, dyed, printed, or stained there, for exportation to Africa; the bond which is now by law required to be given for the due exportation of such goods, shall be with further condition, that the same shall be there landed accordingly, and not in any other part or place beyond the seas; and that the bonds so as aforesaid entered into, shall not be delivered up or discharged until proof is made in the manner directed by the said recited act; which proof is required to be made within eighteen months from the date of such bonds: and whereas by another act passed in the fifth year of the reign of his present Majesty, intituled, An act for more effectually supplying the export trade of this kingdom to Africa, with such coarse printed callicoos, and other goods of the product or manufacture of the East Indies, or other places beyond the Cape of Good Hope, as are prohibited to be worn and used in Great Britain; for encouraging the importation of bugles into this kingdom; for the better supply of the export trade thereof; and for discontinuing the bounty payable in Great Britain, and all bounties and allowances in Ireland, upon the exportation of corn, grain, malt, meal, and flour, from thence to the Isle of Man; it is (amongst other things) enacted, That if any bugles, which shall be warehoused in pursuance of that act, shall be delivered for exportation to foreign parts, the same shall be subject to the like security, regulations, and restrictions, as East India goods prohibited to be worn or used in Great Britain are now by law liable to: and whereas it is alleged, that the time limited by the first recited act of parliament, for making the proof thereby required within eighteen months, for such of the*

Clause in a
acts of 5 Geo.
3.

Act 5 Geo. 3.

afore-

aforefaid goods as fhall be landed in Africa, is too fhort, and the obliging the mafter, mate, purfer, or other perfon, having charge of the fhip, to make the oath as is therein direfted, at the port where fuch fecurity fhall be entered into, may fubject the proprietors and exporters of fuch goods to great difficulties and inconvenience, fuch fecurity having been hitherto taken only at the port of London, though the goods are frequently exported from various out-ports of this kingdom: for remedy whereof, and to give all fitting encouragement to this branch of bufinefs, be it enacted by the authority aforefaid, That from and after the twentieth day of June, one thoufand feven hundred and fixty fix, in every cafe where the owner or proprietor of any of the goods before mentioned fhall defire to remove the fame from one port of Great Britain to any other port within the fame kingdom, in order to be from thence exported to Africa, it fhall and may be lawful for the warehoufe keeper, or other proper officer of the customs, in whole cuftody the fame fhall be lodged, to pack up and fe- cure fuch goods under his or their feal or feals of office; and before the fame fhall be taken out of the warehoufe or ware- houfes in which they fhall have been deposited, one bond fhall be entered into, with fufficient fecurity to his Majefty, his heirs, and fucceffors, in double the value of fuch goods, that the fame, and every part thereof, fhall be well and truly delivered, with- out alteration, into the cuftody and poffeffion of the collector and comptroller of the customs for the time being at fome other port of this kingdom to be named and expreffed in fuch bond; and to produce a certificate, under the hands and feals of fuch collector and comptroller, that fuch goods have been fo delivered into their cuftody and poffeffion, within three months from the date of each refpective bond, to the com- miffioners of the customs, or to the principal officers of the customs, at the port where fuch bond fhall have been given; and fuch goods fhall not be afterwards taken out of the cuftody of fuch collector and comptroller, until one other bond fhall be entered into by the merchant exporter, with fufficient fecurity to his Majefty, his heirs, and fucceffors, in double the value of the faid goods, that the fame, and every part thereof, fhall (the danger of the feas excepted) be well and truly exported to, and landed in, fome part of the coaft of Africa, and not in any other part or place beyond the feas.

Conditions, upon which any of the before-mentioned goods may be re- moved from one port of Great Britain to another, in order to be exported from thence to Africa.

Bond not to be difcharged, till proof made on oath, of the faid goods being fairly landed, or difpofed of in Africa, &c.

VII. And it is further enacted, That no bond, which hath been or fhall be entered into for the exportation of any of the goods before mentioned to Africa, in purfuance of this or the before recited acts of parliament, fhall be difcharged or delivered up, until proof is made by the oath of the mafter, mate, purfer, or other perfon, having charge of the fhip or vefTel during the voyage in which fuch goods were exported, that the faid goods, and every part thereof, were fairly landed or difpofed of in or on fome part of the coaft of Africa; and that no part thereof had been re-landed in any part of Great Britain, or the iflands of Guernsey, Jerfey, Alderney, Sark, or Man, or any other part

or place beyond the seas; and by the oath of the merchant exporter (if living) that, to the best of his, her, or their knowledge and belief, such goods had been disposed of at the place or places mentioned in the oath of such master, mate, purser, or other person, having the charge of such ship or vessel during the voyage; which proof shall be made within three years from the date of each respective bond, before the collector and comptroller, or other principal officer of the customs at the port for the time being where such last mentioned bond shall be entered into, who are hereby respectively impowered to administer the same; and in case no such certificate shall be produced, or proof made as aforesaid, within the respective times before limited, it shall and may be lawful for the respective commissioners of the customs in *Great Britain* to cause such bonds, or either of them, to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage, to the contrary in any wise notwithstanding.

Proof to be made within 3 years from the date of the bond; otherwise the bond may be put in suit.

VIII. *And whereas by an act passed in this present session of parliament, intituled, An act to prohibit the exportation of corn, grain, malt, meal, flour, bread, biscuit, and starch, for a limited time; it was, amongst other things, enacted, That no person or persons whatsoever, at any time or times before the twenty sixth day of August, one thousand seven hundred and sixty six, should export, or carry out of or from the kingdoms of Great Britain or Ireland, any sort of corn, grain, malt, meal, flour, bread, biscuit, or starch, under the penalties and forfeitures therein mentioned; but with several provisions and savings in the said act contained: and whereas the inhabitants of the isle of Man have, for several years last past, been supplied with considerable quantities of corn, meal, and flour, from Great Britain and Ireland, and they are now in great want thereof, no provision or saving having been made in the said act for supplying them therewith; be it therefore enacted by the authority aforesaid, That the said recited act, or any thing therein contained, shall not extend to any wheat, barley, oats, meal, or flour, to be transported out of or from the ports of Southampton or Exeter only, unto the said isle of Man, for the only use of the inhabitants of the said island; so as the exporter, before the lading of such wheat, barley, oats, meal, or flour, or laying the same on board, do become bound, with other sufficient security, in treble the value thereof, which the customer or comptroller of either of the said ports respectively hath hereby power to take in his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken, that such wheat, barley, oats, meal, or flour, shall be landed in the said isle of Man (the dangers of the seas only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever; and to return the like certificates of the landing the same there, as are by the said act required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose therein mentioned; and so as the whole quantity of wheat,*

Clause in an act of this session.

Clause for permitting certain quantities of wheat and other grain, &c. to be exported from Southampton and Exeter, for the use of the inhabitants of the isle of Man.

Whole quantity not to ex-

ceed 2,500.
quarters.

wheat, barley, oats, meal, or flour, which at any time or times after the passing this act, and before the said twenty sixth day of *August*, one thousand seven hundred and sixty six, shall be shipped at both the said ports for the said isle of *Man* as aforesaid, shall not exceed in the whole two thousand five hundred quarters; one moiety whereof to be exported at the said port of *Southampton*, and the other moiety thereof to be exported at the said port of *Exeter*; any thing in the said recited act to the contrary notwithstanding.

Clause in act
5 Geo. 3.

IX. And whereas by an act made in the last session of parliament, an additional duty of four shillings was granted to his Majesty, his heirs, and successors, from the fifth day of June, one thousand seven hundred and sixty five, for every chaldron of coals, Newcastle measure, which should be shipped for exportation to any part beyond the seas, except to Ireland, the Isle of Man, or the British dominions in America: and whereas it is found expedient to permit certain

Clause for
permitting
certain quan-
tities of coals
to be annually
exported from
Newcastle and
Swansea to
the islands of
Jersey, Guern-
sey, and Alder-
ney, with-
out paying
the additional
duty imposed
by the recited
act.

quantities of coals to be annually exported to the islands of Jersey, Guernsey, and Alderney, for the use and consumption of his Majesty's subjects in the said islands, and of the caskett lights, free of the said additional duty; be it therefore enacted by the authority aforesaid, That from and after the twentieth day of June, one thousand seven hundred and sixty six, it shall and may be lawful to and for the inhabitants of the said islands respectively to export and transport the several quantities of coals herein after-mentioned, free of the said additional duty of four shillings for every chaldron, out of and from the ports of Newcastle and Swansea, in the several proportions, to the said isles of Jersey, Guernsey, and Alderney respectively, as are herein after-mentioned; so as the person or persons who shall ship such coals do, before the shipping thereof, deliver unto the collector and comptroller of the customs of the said ports of Newcastle and Swansea respectively (out of which the said coals are to be exported) a writing under the seal or seals of the respective governors of the said isles of Jersey, Guernsey, and Alderney (into which the said coals are to be transported) or of his or their deputy or deputies respectively; which writing shall express the name of the party appointed to export, or cause to be exported, out of the said ports of Newcastle and Swansea, or one of them, so many chaldrons of coals, expressing the number thereof, to the same isle, to be used or consumed therein, or in some of the members or parts thereof, or in the caskett lights; and that such party so authorized and appointed to export, or cause to be exported, such coals, hath, before the making and sealing of that writing, entered into sufficient bond for his Majesty's use, in the penalty of twenty pounds for every chaldron of such coals, for the due landing of the said coals accordingly (the danger of the seas only excepted.)

X. And, to the intent that the quantity of coals to be exported out of the ports of Newcastle and Swansea aforesaid, into the said isles, or any of them, in any one year (accounting the year to begin from the said twentieth day of June, one thousand seven hundred and sixty
fix)

fix) may not exceed the quantities herein after specified; be it further enacted by the authority aforesaid, That the governors of the said islands of *Jersey*, *Guernsey*, and *Alderney* respectively, or their respective deputy or deputies, for whom they will answer, shall not make to any person or persons any such writing or writings as before specified, to authorize and appoint him or them to fetch, export, or transport, into the said islands of *Jersey*, *Guernsey*, and *Alderney* respectively, in one year, to be accounted as aforesaid, any greater quantity of coals, or in any other proportions, out of and from the said ports of *Newcastle* and *Swansea* respectively, than are herein after limited and expressed; that is to say, Into the said isle of *Jersey*, out of the said port of *Newcastle*, three hundred and fifty chaldrons, *Newcastle* measure, and out of the said port of *Swansea*, one hundred and fifty such chaldrons, and no more; into the said isle of *Guernsey*, out of the said port of *Newcastle*, one thousand such chaldrons, and out of the said port of *Swansea*, one hundred and fifty such chaldrons, and no more; and into the said isle of *Alderney*, out of the said port of *Newcastle*, one hundred and ten such chaldrons, and out of the said port of *Swansea*, ten such chaldrons, and no more.

Specification of the quantity and proportion of coals from the said collieries, allowed to be exported to the said islands respectively.

XI. And it is hereby further enacted by the authority aforesaid, That the collector and comptroller of the customs of the said ports of *Newcastle* and *Swansea* respectively, shall keep a true account of all the said quantities of coals so by them permitted to be loaden by virtue of this act, and shall not permit any greater quantities of coals to be so loaded than are by this act prescribed, in any one year, to any of the said islands respectively, free of the said duty of four shillings *per* chaldron, upon the penalty of the forfeiture of twenty pounds for every chaldron; one moiety thereof to the King's majesty, his heirs, and successors, and the other moiety to him or them that will sue for the same, in any court of record; wherein no essoin, protection, or wager of law, shall be allowed.

Officer at the ports of *Newcastle* and *Swansea* to keep accounts thereof, and not permit any greater quantities to be loaded without paying duty, on penalty of 20*l*.

XII. And whereas several doubts have arisen with respect to the importation of oats and oat-meal into this kingdom, under the authority of an act made in this present session of parliament, intituled, An act for allowing the importation of oats and oat-meal into this kingdom, for a limited time, duty-free; therefore, for obviating all doubts in relation thereto, be it further enacted and declared by the authority aforesaid, That by the said act it was intended to authorize any person or persons whatsoever to import into *Great Britain*, in any ship or vessel navigated according to law, at any time or times before the twenty ninth day of *September*, one thousand seven hundred and sixty six, unless a shorter term shall be fixed for that purpose by any act to be passed in this session of parliament, any quantity of oats or oat-meal, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

Oats, and oat-meal, declared to be intended by an act of this session, to be imported duty free.

CAP. XLI.

An act for granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty six; and for further appropriating the supplies granted in this session of parliament.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the sum herein after mentioned: and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as have arisen, and shall or may arise, from time to time, and be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The sinking fund*, after paying, or reserving sufficient to pay, all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same, there shall and may be issued and applied for and towards making good the supply granted to his Majesty for the service of the year one thousand seven hundred and sixty six, a sum not exceeding two millions one hundred and fifty thousand pounds; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to issue and apply the same accordingly.

2,150,000 l.
granted out of
the sinking
fund, for the
service of the
current year;

to be issued by
the treasury
accordingly.

Treasury im-
powered to
raise the said
sum, or any
part thereof,
by loans or
exchequer
bills, on the
credit of the
sinking fund;

II. *And whereas the sum of four hundred thirty nine thousand five hundred and eighty six pounds, sixteen shillings, and two pence farthing, did arise in the receipt of the exchequer on the fifth day of April, one thousand seven hundred and sixty six, towards making good the said sum of two millions one hundred and fifty thousand pounds; and it may be expedient to raise the sum of one million seven hundred ten thousand four hundred and thirteen pounds, three shillings and nine pence three farthings, being the residue of the said sum of two millions one hundred and fifty thousand pounds, by loans or exchequer bills, in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the high treasurer for the time being, shall think it advisable to raise the said sum of one million seven hundred ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings, or any part thereof, by loans or exchequer bills, in manner herein after*

men-

mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million seven hundred ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings, upon the credit of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, and to have and receive interest for the forbearance of the money lent; so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now or for the time being, or the high treasurer for the time being, who are or is hereby authorized to issue his or their warrants for that purpose, as fast as such loans shall be wanted for the publick service; and moreover, that no money to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

III. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally; in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent, shall be registered in course, according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders, first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, and overplus monies, or other revenues; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid) and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken of any of his Majesty's subjects, for providing or making of any such books or registers, or any en-

and to strike tallies of loan, with orders for repayment of the money so advanced; the interest thereof to be paid quarterly.
Orders to be registered in course.

No undue preference to be given in payment, nor fee to be taken.

tries,

on forfeiture of treble damages, with full costs.

Penalty of undue preference in point of registry or payment;

tries, views, or searches, in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also: and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers; then the party offending shall be liable, by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party grieved, and shall be forejudged of his place or office; and if any such preference be unduly made, by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place: and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed; then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

to be recovered in any of the courts of record at *Westminster*.

No undue preference, which of the tallies or orders brought the same day, are entered first;

nor if subsequent orders are paid before others not brought in course;

so as money be reserved for the precedent orders.

Power of assignment, and method of transferring of orders.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

V. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders, to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registered by virtue of this act, after order entered in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his,

is, her, or their right, title, interest, and benefit of such order, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall, upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who hath or have made such assignment, to make void, release, or discharge, the same, or any monies thereby due, or any part thereof.

VII. *And to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of one million seven hundred and ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after-mentioned, or by both or either of those ways or means, for the publick service; be* further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now or for the time being, or the high treasurer for the time being, shall judge it more adviseable to raise the said sum of one million seven hundred and ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then he or they respectively is or are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made, at the exchequer, any number of new exchequer bills, for any sum or sums of money, not exceeding in the whole the said sum of one million seven hundred and ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings, together with such loans aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the space of the year one thousand seven hundred and sixty six*, are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills authorized to be made by the same act (except such clauses do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the repurchase of money lent on the credit of the said act) shall be applied and extended to the exchequer bills to be paid in pursuance of this act, as fully and effectually, to all intents and purposes, as if the said exchequer bills had been originally authorized

If it shall be judged more adviseable, the treasury may raise the said sum by exchequer bills, instead of loans.

All advantages and penalties in the said act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act.

thorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this present act.

The said exchequer bills interest, and charges, are to be paid out of the sinking fund.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills, which shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of, the growing produce of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Bank authorized to lend the said sum,

X. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money, not exceeding in the whole the sum of one million seven hundred and ten thousand four hundred and thirteen pounds, three shillings, and nine pence three farthings; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors; for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

notwithstanding act 5 & 6 Will. & Mary.

The sum of 80,000l. remaining in the exchequer, for pay and cloathing for the militia, for the year 1765;

181,000l. payable for maintenance of the French prisoners;

and produce of the duties on Gum Senega and Gum Arabic;

XI. And be it further enacted by the authority aforesaid, That the sum of eighty thousand pounds remaining in the receipt of the exchequer, granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty five; and also a sum not exceeding one hundred and eighty one thousand pounds, of the monies agreed to be paid by a convention between his Majesty and the *French* king, concluded and signed at *London* the twenty seventh of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war; and also such of the monies remaining in the receipt of the exchequer for the disposition of parliament, and as shall be paid into the said receipt on or before the fifth day of *April*, one thousand seven hundred and sixty seven,

of the produce of the duties charged by an act made in the last session of parliament upon the importation and exportation of *Gum Senega* and *Gum Arabic*, shall and may be issued and applied at the said receipt, for and towards making good the said supply; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

to be issued towards making good the said supply.

XII. And be it further enacted by the authority aforesaid, That a sum not exceeding two thousand three hundred and twenty one pounds, fourteen shillings, ten pence, and one eighth part of a penny, be granted to his Majesty out of the monies or savings remaining of the grant in the last session of parliament, for defraying the charge of three independant companies of foot, to be raised for his Majesty's service, on the coast of *Africa*, and for provisions for the same, for the year one thousand seven hundred and sixty five, towards maintaining his Majesty's forces and garrisons in the plantations and *Africa*, including those in garrison at *Minorca* and *Gibraltar*, and for provisions for the forces in *North America*, *Nova Scotia*, *Newfoundland*, *Gibraltar*, the ceded islands, and *Africa*, for the year one thousand seven hundred and sixty six; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

2,321. 14s. 10d. 1 eighth of a penny, savings on the charge of 3 independant companies of foot, on the African coast, &c. to be also issued towards the said supply.

XIII. And be it further enacted by the authority aforesaid, That a sum not exceeding sixty thousand pounds, of such monies remaining in the receipt of the exchequer for the disposition of parliament, and as shall be paid into the said receipt on or before the fifth day of *April*, one thousand seven hundred and sixty seven, of the produce of such of the duties granted or continued by an act made in the fourth year of his present Majesty's reign, as were thereby directed to be reserved in the exchequer to be disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*, be issued and applied towards maintaining his Majesty's forces and garrisons in the plantations, and for provisions for the forces in *North America*, *Nova Scotia*, *Newfoundland*, and the ceded islands, for the year one thousand seven hundred and sixty six; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

60,000 l. monies unappropriated, in the exchequer, and such as shall be paid in before 5 April, 1767, of the duties granted by act 4 Geo. 3. towards the charge of defending the colonies in America to be applied in like manner,

XIV. And be it further enacted by the authority aforesaid, That a sum not exceeding seventy four thousand seven hundred and seventy seven pounds, fourteen shillings, be granted to his Majesty, out of the monies or savings arising from the pay of the land forces, in the hands of the paymasters general of his Majesty's land forces, towards defraying the extraordinary expences

74,777. 14s. savings of pay of the land forces,

to be applied
accordingly.

pences of his Majesty's land forces, and other services incurred to the twenty fourth day of *January*, one thousand seven hundred and sixty six, and not provided for by parliament; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to issue and apply the same accordingly.

1,167 l. 10s.
unapplied of
monies grant-
ed to the
Foundling
Hospital,

XV. And be it further enacted by the authority aforesaid, That the sum of one thousand one hundred and sixty seven pounds, and ten shillings, remaining unissued of the monies granted in the last session of parliament, upon account, towards enabling the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, to maintain and educate, or to place out as apprentices, such children as were received into the said hospital on or before the twenty fifth day of *March*, one thousand seven hundred and sixty, from the thirty first day of *December*, one thousand seven hundred and sixty four inclusive, to thirty first day of *December*, one thousand seven hundred and sixty five inclusive, be granted to his Majesty, upon account, towards further enabling the said governors and guardians to maintain and educate such children, from the thirty first day of *December*, one thousand seven hundred and sixty five exclusive, to the thirty first day of *December*, one thousand seven hundred and sixty six inclusive, and that such sum shall be issued and paid without fee or reward, or any deduction whatsoever; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to issue and apply the same accordingly.

to be paid to
the governors
and guardians
thereof, free
of all deduc-
tions.

Appropriation
of the
supplies.
The monies
arising by the
malt tax,

XVI. Provided always, and it is hereby enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty six*; and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills, made or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty six*; and so much money, if any such be, of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium rate, and charges thereon, and the charges allowable thereby for raising the said

Land tax,

land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also the sum of one million eight hundred thousand pounds granted by one other act of this session of parliament, intituled, *An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty six*; and also all the monies coming into the exchequer by contributions for annuities and a lottery, granted by one other act of this session of parliament, intituled, *An act for raising the sum of one million five hundred thousand pounds by way of annuities and a lottery, to be charged on the sinking fund*; and also the said sum of eighty thousand pounds, remaining in the receipt of the exchequer, granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty five; and also the said sum not exceeding one hundred and eighty one thousand pounds, of the monies agreed to be paid by a convention between his Majesty and the *French* king, concluded and signed at *London* the twenty seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war; and also such of the said monies of the produce of the duties charged by an act made in the last session of parliament, upon the importation and exportation of *Gum Senega* and *Gum Arabic*; and also the said sum not exceeding two millions one hundred and fifty thousand pounds, by this act granted, out of such monies as have arisen, and shall or may arise, of the surplusses, excesses, or overplus monies, and other revenues, composing the fund commonly called *The sinking fund*, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several uses and purposes herein after expressed, together with the residue of the monies arising from the sale of *French* prizes taken before the declaration of the late war, which his Majesty declared in a most gracious speech to his parliament, that he had directed, for the ease of his subjects, to be applied to the public service; and also such sum or sums as his Majesty, according to his most gracious intentions expressed in the same speech, shall direct, for the further ease of his subjects, to be also applied to the public service, out of the monies which have arisen, or shall arise, by the sale of lands belonging to his Majesty in the islands of the *West Indies*, which were ceded to his Majesty by the late treaty of peace.

XVII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million five hundred twenty two thousand two hundred eighty three pounds, six shillings, and three pence, for or towards the naval services herein after particularly expressed (that is to say) For or towards victuals, wages, wear and tear of the navy, and the victualling thereof,

Loans,

Lottery, &c.

and other sums remaining in the exchequer, &c. together with the several sums before granted and specified,

with the residue of the monies arising from the sale of *French* prizes taken before the declaration of war; and such sums as shall arise by sale of lands in the ceded islands; viz. out of the aids in general, 1,522,283l. 6s. 3d. towards naval services herein specified.

performed and to be performed; and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half pay to sea and marine officers; and for or towards maintaining four thousand two hundred and eighty seven marines; and for or towards the buildings, rebuildings, and repairs, of his Majesty's ships, docks, building ships, wharfs, and store-houses, for the year one thousand seven hundred and sixty six.

1,200,000 l.
towards pay-
ing off the
debt of the
navy.

XVIII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money,
not exceeding one million two hundred thousand pounds, to-
wards paying off and discharging the debt of the navy.

180,445 l. 19s.
3d. for the of-
fice of ord-
nance.

XIX. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money,
not exceeding one hundred and eighty thousand four hundred
forty five pounds, nineteen shillings, and three pence, for the
charge of the office of ordnance for land service, for the year
one thousand seven hundred and sixty six.

95,061 l. 6s.
3d. to the said
office, for ser-
vices perform-
ed 1765. not
provided for.

XX. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money, not
exceeding thirty five thousand and sixty one pounds, six shillings,
and two pence, for defraying the expence of services performed
by the office of ordnance for land service, and not provided for
by parliament, in the year one thousand seven hundred and
sixty five.

1,223,313 l.
19s. 8d. to-
wards the land
forces, and
other services
in general;

XXI. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money
not exceeding one million nine hundred twenty three thousand
three hundred and thirteen pounds, nineteen shillings, and eight
pence, for and towards maintaining his Majesty's land forces
and other services herein after more particularly expressed; that
is to say, any sum or sums of money not exceeding six hundred
and five thousand six hundred and eight pounds, nineteen shil-
lings, and nine pence, for defraying the charge of seventeen

of which
605,608 l. 19s.
9d. for guards
and garrisons
in Great Bri-
tain, Guernsey
and Jersey;

thousand three hundred and six effective men, commissioned
and non-commissioned officers included, and including two
thousand five hundred and thirteen invalids, for guards, garrisons,
and other his Majesty's land forces in *Great Britain, Guern-
sey, and Jersey*, and any sum or sums of money not exceeding three
hundred thirty two thousand one hundred eighty three pounds,
six shillings, and five pence halfpenny, towards further main-
taining his Majesty's forces and garrisons in the plantations and

312,181 l. 6s.
5d. halfpenny,
for guards
and garrisons
in the planta-
tions, and A-
frica, Minor-
ca, and Gib-
raltar, &c. and
provisions for

Africa, including those in garrison at *Minorca and Gibraltar*, and
for provisions for the forces in *North America, Nova Scotia, New-
foundland, Gibraltar*, the ceded islands, and *Africa*, for the year
one thousand seven hundred and sixty six; and any sum or sums

of money not exceeding seven thousand nine hundred ninety three pounds, eleven shillings, four pence, for defraying the charge of the difference of pay between the *British and Irish* establishment of two troops of light dragoons, and of six regiments of foot, serving in the *Ile of Man*, at *Gibraltar*, *Minorca*, and the ceded islands, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding eleven thousand two hundred ninety one pounds, eight shillings, and six pence halfpenny, for the pay of the general and general staff officers in *Great Britain*, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding one hundred and fifty thousand pounds, upon account, for defraying the charge of the pay and cloathing of the militia for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty six; and any sum or sums of money not exceeding one hundred and thirty eight thousand six hundred and seventy four pounds, upon account of the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding five thousand seven hundred and eighteen pounds, six shillings, and eight pence, for defraying the charge of full pay to officers reduced, with the tenth company of several battalions reduced from ten to nine companies, and who remained on half-pay at the twenty fourth day of *December*, one thousand seven hundred and sixty five, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding one thousand six hundred and fourteen pounds, for the paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding one hundred and nine thousand eight hundred seventy five pounds, sixteen shillings, and eight pence, upon account, towards defraying the charge of out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and sixty six; and any sum or sums of money not exceeding fifty thousand pounds, upon account, to enable his Majesty to compleat the payment of one hundred and fifty thousand pounds, stipulated by treaty to be paid to the landgrave of *Hesse Cassel*, in extinction of all demands under the title of reasonable succour, or otherwise; and any sum or sums of money not exceeding four hundred and four thousand three hundred and ten pounds, sixteen shillings, and six pence three farthings, towards further defraying the extraordinary expences of his Majesty's land forces, and other services incurred to the twenty fourth day of *January*, one thousand seven hundred and sixty six, and not provided for by parliament; and any sum or sums of money, not exceeding one hundred and six thousand and forty three pounds, thirteen shillings, and eight pence farthing, upon account, to enable his Majesty

the forces
abroad;
7,993 l. 11 s.
4 d. to make
good the dif-
ference of pay
between the
British and
Irish establish-
ment, of
troops in the
Ile of Man,
Gibraltar, Mi-
norca, and
ceded islands;
11,291 l. 8 s.
6 d. 2 q. for
general and
general staff
officers;
150,000 l. to-
wards pay and
cloathing the
militia;
138,674 l. to
the reduced
officers of the
land forces
and marines;
5,718 l. 6 s. 8 d.
for reduced
officers with-
in the 10th
company of
several bat-
talions;
1,614 l. to the
pensions of of-
ficers widows;
109,875 l. 16 s.
8 d. to the out-
pensioners of
Chelsea Hos-
pital;
50,000 l. to
the landgrave
of Hesse Cassel;
in extinction
of all de-
mands;
404,310 l. 16 s.
6 d. 3 q. extra-
ordinary ex-
pences of the
land forces,
and other ser-
vices, not pro-
vided for;
106,043 l. 13 s.
8 d. 1 q. to-
wards dis-
charging the

unsatisfied
claims in Ger-
many;

Majesty to discharge such unsatisfied claims and demands, for expences incurred during the late war in *Germany*, as appear to be due by the reports of the commissioners appointed by his Majesty for examining and stating such claims and demands.

1,000,000 l.
towards pay-
ing off exche-
quer bills is-
sued pursuant
to an act of
4 Geo. 3.

XXII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, shall and may be issued and applied any sum or sums of money,
not exceeding one million, for paying off and discharging the
exchequer bills made out by virtue of an act passed in the fourth
year of his present Majesty's reign, intituled, *An act for establish-
ing an agreement with the governor and company of the bank of Eng-
land, for raising certain sums of money towards the supply for the service
of the year one thousand seven hundred and sixty four; and for more ef-
fectually preventing the forging powers to transfer such stock, or re-
ceive such dividends or annuities as are therein mentioned, and the
fraudulent personating the owners thereof;* and charged upon the
first aids to be granted by parliament for the service of the year
one thousand seven hundred and sixty six; and any sum or sums
of money, not exceeding eight hundred thousand pounds, for
paying off and discharging the exchequer bills, made out by
virtue of an act passed in the last session of parliament, intituled,
*An act for raising a certain sum of money by loans or exchequer bills,
for the service of the year one thousand seven hundred and sixty five,*
and charged upon the first aids to be granted in this session of
parliament.

800,000 l. to-
wards paying
off exchequer
bills issued
pursuant to an
act of the
last session;

XXIII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, shall and may be issued and applied any sum or sums of money,
not exceeding four thousand eight hundred and sixty six pounds,
three shillings, and five pence, upon account, for maintaining
and supporting the civil establishment of his Majesty's colony of
Nova Scotia, for the year one thousand seven hundred and sixty
six; and any sum or sums of money, not exceeding eight thou-
sand and eight pounds, twelve shillings, and seven pence, upon
account of sundry expences, for the service of *Nova Scotia*, in
the years one thousand seven hundred and fifty, one thousand
seven hundred and fifty one, one thousand seven hundred and
fifty two, one thousand seven hundred and sixty two, and one
thousand seven hundred and sixty three, and not provided for
by parliament; and any sum or sums of money, not exceeding
three thousand nine hundred and eighty six pounds, upon ac-
count, for defraying the charges of the civil establishment of his
Majesty's colony of *Georgia*, and other incidental expences at-
tending the same, from the twenty fourth day of *June*, one
thousand seven hundred and sixty five, to the twenty fourth day
of *June*, one thousand seven hundred and sixty six; and any
sum or sums of money, not exceeding five thousand two hun-
dred and fifty pounds, upon account, for defraying the charges
of the civil establishment of his Majesty's colony of *East Florida*,
and other incidental expences attending the same, from the
twenty fourth day of *June*, one thousand seven hundred and

4,866 l. 3 s. 5 d.
for supporting
the civil esta-
blishment of
Nova Scotia;

8,008 l. 12 s. 7 d.
for sundry ex-
pences incur-
red there in
former years,
not provided
for;

3,986 l. for the
civil establish-
ment of *Geor-
gia*;

5,250 l. for the
civil establish-
ment of *East
Florida*;

sixty five, to the twenty fourth day of *June*; one thousand seven hundred and sixty six; and any sum or sums of money, not exceeding five thousand three hundred pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *West Florida*, and other incidental expences attending the same, from the twenty fourth day of *June*, one thousand seven hundred and sixty five, to the twenty fourth day of *June*, one thousand seven hundred and sixty six; and any sum or sums of money, not exceeding one thousand seven hundred and eighty four pounds, and four shillings, upon account, for defraying the expence attending general surveys of his Majesty's dominions in *North America*, for the year one thousand seven hundred and sixty six.

5,300l. for the civil establishment of *West Florida*;

1,784 l. 4s. towards expence of general surveys in *America*;

XXIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding thirteen thousand pounds, to be employed in maintaining and supporting the *British* forts and settlements on the coast of *Africa*, under the direction of the committee of merchants trading to *Africa*; and any sum or sums of money, not exceeding five thousand five hundred and fifty pounds, upon account, for defraying the charges of the civil establishment of his Majesty's government of *Senegambia*, for the year one thousand seven hundred and sixty six.

13,000l. for the forts and settlements in *Africa*, under direction of the *African* company;

5,550l. charges of the civil establishment of *Senegambia*.

XXV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding thirty two thousand seven hundred and twenty five pounds, upon account, towards further enabling the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, to maintain and educate such children as were received into the said hospital, on or before the twenty fifth day of *March*, one thousand seven hundred and sixty, from the thirty first day of *December*, one thousand seven hundred and sixty five, exclusive, to the thirty first day of *December*, one thousand seven hundred and sixty six, inclusive; and that the said sum be issued and paid for the use of the said hospital, without fee or reward, or any deduction whatsoever; and any sum or sums of money, not exceeding two thousand pounds, towards enabling the trustees of the *British Museum* to carry on the execution of the trust reposed in them by parliament.

32,725 l. to the founding hospital.

2,000l. to the *British Museum*.

XXVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding forty five thousand five hundred sixty one pounds, seven shillings, and ten pence halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty five, of the several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, which

45,561 l. 7s. 10d. 2q. to replace to the sinking fund the deficiency of the duties on offices and pensions; and windows;

were

199,211 l. 12 s.
6 d. to replace
to the sinking
fund, the de-
ficiency of the
additional
duties upon
wines import-
ed; and upon
cyder and
perry;

199,342 l. 2 s.
4 d. to replace
to the sinking
fund the an-
nuities grant-
ed in respect
of navy and
victualling
bills, &c.
cancelled;

4,898 l. 14 s.
9 d. 2 q. to re-
place to the
sinking fund
the charges of
management,
&c.

2,708 l. 17 s.
7 d. 3 q. to re-
place to the
sinking fund
the monies
issued thereout
to discharge
certain an-
nuities, &c.

292,828 l.
4 d. 1 q. to
make good the
deficiency of
the grants for
the last year.

These aids to
be applied to
no other use.

were made a fund by an act of the thirty first year of the reign of his late Majesty for paying annuities at the bank of *England*, in respect of five millions borrowed towards the supply granted for the service of the year one thousand seven hundred and fifty eight; and any sum or sums of money, not exceeding twenty nine thousand two hundred and eleven pounds, twelve shillings, and six pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the tenth day of *October*, one thousand seven hundred and sixty five, of the several additional duties upon wines imported into this kingdom; and certain duties upon all cyder and perry which were made a fund by an act of the third year of the reign of his present Majesty, for paying annuities in respect of three millions five hundred thousand pounds, borrowed towards the supply granted for the service of the year one thousand seven hundred and sixty three; and any sum or sums of money, not exceeding one hundred thirty nine thousand three hundred forty two pounds, two shillings, and four pence, to replace to the sinking fund the like sum issued thereout, for paying annuities after the rate of four pounds *per centum* for the year, ended the twenty ninth day of *September*, one thousand seven hundred and sixty five, which were granted in respect of certain navy, victualling, and transport bills, and ordnance debentures, delivered in and cancelled pursuant to an act passed in the third year of the reign of his present Majesty; and any sum or sums of money, not exceeding four thousand eight hundred and ninety eight pounds, fourteen shillings, and nine pence halfpenny, to replace to the sinking fund the like sum issued thereout, for paying the charges of management of the said annuities for two years and one half, due the twenty ninth day of *September*, one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding eight thousand seven hundred and eight pounds, seventeen shillings, and seven pence three farthings, to replace to the sinking fund the like sum issued thereout, to discharge from the twenty ninth day of *September*, one thousand seven hundred and sixty five, to the twenty fifth day of *December* following, the annuities attending such part of the joint stock established by an act made in the third year of the reign of his present Majesty, in respect of several navy, victualling, and transport bills, and ordnance debentures, as was redeemed in pursuance of an act made in the last session of parliament; and any sum or sums of money, not exceeding two hundred ninety two thousand eight hundred and twenty eight pounds, and four pence farthing, to make good the deficiency of the grants for the service of the year one thousand seven hundred and sixty five.

XXVII. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies, or other payments directed to be satisfied

satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XXVIII. *And, as to the said sum of one hundred thirty eight thousand six hundred and seventy four pounds, by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same, who was a minor and under the age of sixteen years at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such person who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person, by virtue of any warrant or appointment, except to such persons as would have been otherwise intitled to the same, as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.*

Rules to be observed in the application of the half-pay.

XXIX. *And whereas by an act of parliament made in the fifth year of his present Majesty's reign, intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund; for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty five; for further appropriating the supplies granted in this session of parliament; for allowing to the receivers general of the duties on offices and employments in Scotland a reward for their trouble; and for allowing further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors; the several supplies which had been granted to his present Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which, any sum of money, not exceeding one hundred and thirty five thousand six hundred and six pounds, twelve shillings, and six pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty five; subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted, and declared, by the authority aforesaid, That so much of the said sum of one hundred and thirty five thousand*

Recital of clauses in act 5 Geo. 3.

Rules to be observed in the application of the said sum

tion of the surplus of the several sums of 135,606 l. 12 s. 6 d. appropriated in 1765, to the payment of reduced officers.

fix hundred and six pounds, twelve shillings, and six pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or have lost their limbs in the late wars, or such others as, by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

Rules to be observed with respect to the sum appropriated to the reduced officers of the tenth companies.

XXX. *And, as to the said sum of five thousand seven hundred and eighteen pounds, six shillings, and eight pence, by this act appropriated for defraying the charge of full pay to officers reduced, with the tenth company of several battalions, reduced from ten to nine companies as aforesaid; it is hereby enacted by the authority aforesaid, That the same shall be issued and applied for or towards payment of the respective officers of the several battalions in which the before mentioned officers were reduced, in such manner as if such battalions had continued to consist of ten companies, and no such reduction had been made.*

C A P. XLII.

An act to continue an act made in the fourth year of the reign of his present Majesty, for importing salt from Europe, into the province of Quebec in America, for a limited time.

Preamble.

WHEREAS *the law herein after mentioned, which hath by experience been found useful and beneficial, is near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fourth year of the reign of his present Majesty, for importing salt from Europe into the province of Quebec in America, for a limited time, which was to continue in force from the twenty fourth day of June, one thousand seven hundred and sixty four, for the term of one year, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the twenty fourth day of June, one thousand seven hundred and seventy three, and from thence to the end of the then next session of parliament.*

Act of 4 Geo. 3. c. 19.

further continued to 24 June, 1773.

C A P. XLIII.

An act for explaining, amending, and further enforcing, the execution of two several acts, one made in the twenty sixth year of his late Majesty, and the other in the fifth year of his present Majesty's reign, for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for obliging mortgagees taking possession of toll-gates on turnpike roads, and toll-gatherers appointed by them, to account.

WHEREAS by an act made in the twenty sixth year of his late Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto; it was, amongst other things, enacted, That from and after the twenty ninth day of September, one thousand seven hundred and fifty four, it should not be lawful for any waggon or wain whatsoever (other than and except as therein is excepted) to travel, pass, or be drawn upon any turnpike road, unless the fellies of the wheels of every such waggon or wain respectively should be of the breadth or gauge of nine inches from side to side at the least, and that every owner or owners of such waggon and wain, driven, drawn, or conveyed, in or upon any turnpike road, contrary to the directions, tenor, or true meaning of the said act, should, for every such offence, forfeit and pay the sum of five pounds, to be recovered and applied in such manner as the said act directs, or otherwise, should forfeit and lose one of the horses or beasts of draught drawing such waggon, not being the shaft or thill horse, together with all gears, bridles, halters, and accoutrements, to such horse or beast of draught respectively belonging, to the sole use and benefit of the person or persons who should seize or distrain the same; with a proviso, that nothing in the said act should extend, or be construed to extend, to any waggon drawn by less than five horses or beasts of draught: and whereas, notwithstanding the directions in the said act, several trustees or commissioners of turnpike roads, and several gate-keepers or toll-gatherers by them appointed, have permitted waggons and other four wheel carriages, having the fellies of the wheels thereof of a less breadth than nine inches, to be drawn and to pass on turnpike roads and through turnpike-gates or bars, with more than four horses; he it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the trustees or commissioners of every turnpike-road, or any five or more of them, shall, at their first meeting after the fifth day of July, one thousand seven hundred and sixty six, give particular and express orders and directions in writing, to every toll-gatherer or gate-keeper on the respective roads under the care and direction of such trustees or commissioners, that they do not permit or suffer any waggon or other

Preamble, reciting clauses in act 16 Geo. 2. c. 30. and act 5 Geo. 3. c. 38.

Commissioners of turnpike roads are required, at their first meeting after 5 July, 1766, to give written orders to the toll-ga-

therers, not to permit waggons or other four wheel carriages, with wheels less than 9 inches broad, and drawn by more than 4 horses, to pass, without seizing one of the horses, &c. and deliver the same to the constable, and apply to the justice for his precept for delivering up the same; forfeits 40 s. to the informer.

other four wheel carriage, having the fellies of the wheels of less breadth than nine inches, to be drawn on such turnpike-roads; and that if any toll-gatherer or gate-keeper shall permit or suffer any waggon or other four wheel carriage, having the fellies of the wheels thereof of less breadth than nine inches, and drawn by more than four horses, to be drawn or to pass on any turnpike road within the view or with the knowledge of such gate-keeper or toll-gatherer, or to pass through any toll-gate or bar without seizing or distraining one of the horses drawing the same, not being the shaft or thill horse, together with all gears, bridles, halters, and accoutrements, to such horse respectively belonging, and delivering the same into the custody of the constable or other parish officer; and applying to a justice or justices of the peace for his or their precept to such constable or other parish officer, to deliver the same to such gate-keeper or toll-gatherer seizing or distraining the same, to and for his and their own use and benefit, in the manner the said act directs; shall forfeit and pay for every such offence the sum of forty shillings; to be recovered in a summary manner, before one justice of the peace, to and for the use and benefit of the person or persons who shall inform against such gate-keeper or toll-gatherer.

Particular carriages exempted.

II. Provided always, That nothing in this act, or the act herein before recited, shall extend to any such waggon, or other four wheel carriage, laden with one block of marble or stone, or one piece of timber, or one piece of ordnance.

Clause in act 5 Geo. 3. c. 38.

III. *And whereas by an act made in the fifth year of his present Majesty, intituled, An act to continue part of an act made in the thirtieth year of the reign of his late majesty King George the Second, intituled, An act to render more effectual the several laws now in being for the amendment and preservation of the publick bigbways and turnpike roads of this kingdom; and for making further provisions for the preservation of the said roads; it was, amongst other things enacted, That from and after the twenty fourth day of June, one thousand seven hundred and sixty five, the trustees appointed, or to be appointed, by any act of parliament passed, or to be passed, for making, repairing, or amending, any turnpike road, or any person authorized and appointed by them, should, during the time aforesaid, permit and suffer all waggons and wains, having the axle trees thereof of such different lengths, that the distance from wheel to wheel of one pair of the said wheels be not more than four feet two inches, to be measured at the ground; and that the distance from wheel to wheel of the other pair thereof should be such, that the fore and hind wheels of such waggons and wains should roll a surface of, at least, sixteen inches wide on each side of the said waggons and wains; and having the fellies of the wheels thereof of the breadth of nine inches at the bottom or sole thereof; to pass upon any turnpike road, and through any toll-gate or bar, upon paying only so much of the tolls and duties as should not exceed one half of the full toll or duty payable, or by the said act intended to be paid, for all waggons or wains having the fellies of the wheels of the breadth or gauge of*
nine

nine inches from side to side, or for the horses or beast of draught drawing the same, and not rolling a surface of sixteen inches, in the manner herein before set forth: and whereas it would be for the preservation of turnpike roads, and for the convenience of passengers travelling thereon in coaches and carriages, or on horseback, if the distance from wheel to wheel, of either pair of the wheels of any broad wheeled waggons or wains, should not be more than four feet two inches; and that the distance from wheel to wheel of the other pair thereof, should be such, that the fore and hind wheels of such waggons and wains should roll only one single surface or path, on either side of such waggons and wains, of sixteen inches wide; be it further enacted by the authority aforesaid, That no persons passing upon any turnpike road, or through any toll-gate or bar thereon, with any waggons or wains, shall be allowed the benefit or exemption herein before recited, except such waggons or wains shall have the axle trees of such different lengths, that the distance from wheel to wheel, of either pair of the said wheels, be not more than four feet two inches, to be measured at the ground; and that the distance from wheel to wheel of the other pair thereof, shall be such, that the fore and hind wheels of such waggons and wains shall roll only one single surface or path of sixteen inches wide, at the least, on each side of such waggons and wains; and no persons driving any waggons or wains which shall roll two different or separate surfaces or paths, or both on either side of such waggons or wains, although the fellies of the wheels thereof shall be of the breadth of nine inches, shall, after the fifth day of July, one thousand seven hundred and sixty six, be allowed the said benefit or exemption; any thing in the said act to the contrary notwithstanding.

IV. And whereas provision was made in the said act, that no person should make, or cause to be made, any hedge or other fence on any turnpike road, not inclosed on both sides, within the distance of thirty feet; or should plough or break up the soil of any land or ground within the distance of fifteen feet from the middle or center of any turnpike road; and if any person should plough or break up the soil of any land or ground within the distance of fifteen feet from the middle or center of any turnpike road, such person should forfeit the sum of forty shillings; but no penalty was laid on such person as should make, or cause to be made, such hedge or fence as aforesaid, other than the expence of taking down the same; and it was not declared or directed thereby how the penalty laid on such persons so ploughing or breaking up the soil as aforesaid, when recovered, should be applied, or to whom the same should be paid; by reason whereof the said provisions have not been effectual for the purposes thereby intended; be it therefore further enacted by the authority aforesaid, That from and after the passing of this act, if any person shall make, or cause to be made, any hedge or other fence on or near any turnpike road, not inclosed on both sides, within the distance of thirty feet from the middle or center of such turnpike road, such person (besides being liable to have the same

After 5 July, 1766, such carriages only are intitled to the exemptions granted by the recited act, as shall have the distance and fellies of their wheels made conformable to the regulations here set down.

Recital of another clause in the said act.

The penalty of 40s. on persons making any hedge or fence on any turnpike road, not inclosed on both

sides, within 30 feet distance of the center of the road, and on persons ploughing or breaking up the ground within 15 feet of the center

same taken down, as by the said act is directed) shall forfeit the sum of forty shillings, to be recovered in the same manner as in the said act is directed, with respect to the penalty thereby inflicted on persons so ploughing or breaking up the soil as aforesaid; and also that the said penalties, and each of them, when recovered, shall be applied, paid, and belong, to the person or persons respectively upon whose information such penalties, or either of them, shall be recovered. of the road, how to be recovered and applied.

Mortgagees in possession of any toll-gates, are to account upon oath to the trustees within 14 days after receiving notice from them for the purpose;

V. *And whereas it hath happened, or may happen, that mortgagees of the tolls or duties already granted, or that may be hereafter granted, by any act of parliament made or to be made for the making any turnpike road, have taken or may take possession of the toll-gates or bars, with an intent to repay themselves the monies lent on, or advanced for, the use of such roads by such mortgagees: and whereas there is not, at present, any proper and speedy means of bringing such mortgagees to account for the monies they have received, or may receive, at such toll-gates or bars; be it therefore enacted by the authority aforesaid, That all and every mortgagee and mortgagees that hath taken or been in possession of any toll-gate or bar set up or erected on any turnpike road, shall, after the fifth day of July, one thousand seven hundred and sixty six, within fourteen days after he, she, or they, shall have received notice in writing from the trustees or commissioners of such turnpike road, or any five of them, render upon oath, to be administered and taken by and before one justice of the peace, or any one trustee or commissioner of such turnpike road (which oath such justice, trustee, or commissioner, is hereby authorized and empowered to administer) a true and exact account in writing to such trustees or commissioners, or to any person appointed by them, or any five of them, to be named in such notice, of all monies received by such mortgagee or mortgagees, or by any other person or persons, for his, her, or their use and benefit, or by his, her, or their authority, at such toll-gate or bar, and of what he, she, or they, have expended in keeping the same; and that all and every mortgagee and mortgagees of such tolls, taking or being in the possession of any toll-gate or bar after the said fifth day of July, one thousand seven hundred and sixty six, shall, within fourteen days after such notice in writing from such trustees or commissioners, or any five of them, render a like account, upon oath, to be sworn before one justice of the peace, or one trustee or commissioner of such turnpike road, in writing (which oath such justice, trustee, or commissioner, is hereby authorized and empowered to administer) to such trustees or commissioners, or to any person appointed by them, or any five of them, to be named in such notice, of all monies by them received, or by any person or persons for their use or benefit, or by his, her, or their authority, at such toll-gate or bar, not before accounted for, and of the sum or sums he, she, or they, have expended in keeping the same; and in case he, she, or they,*

in either case respectively, shall neglect to render such account when required, in the manner herein directed, he, she, or they, shall severally forfeit and pay to the said trustees or commissioners, for every refusal, neglect, or omission to render such account, the sum of five pounds; to be recovered by the said trustees or commissioners, or any five or more of them, or by the treasurer or clerk to such trustees or commissioners, in a summary manner, before one justice of the peace; and, when recovered, shall be applied to the use of the respective road or roads whereon such toll-gate or bar shall be placed.

on forfeiture of 5l.
to be recovered in a summary way,
and applied to the use of the road.

VI. And be it further enacted by the authority aforesaid, That the gate-keeper or toll-gatherer of every such toll-gate or bar shall, when required by notice in writing from the said trustees or commissioners, or any five or more of them, render upon oath, to be administered by and taken before any one justice of the peace, trustee or commissioner of such turnpike road (which oath such justice, trustee, or commissioner, is hereby authorized and impowered to administer) a true and exact account in writing to the said trustees or commissioners, or to any person to be named in such notice appointed by them, or any five of them, of all monies received by him, her, or them, at such toll-gate or bar, not before accounted for, under the penalty of twenty shillings for every such offence or neglect; to be recovered in a summary manner before any one justice of the peace, and applied to the use of the respective road on which such toll-gate shall be placed.

The gate-keeper also is to account upon oath, when required by notice from 5 trustees, for all monies received not before accounted for,
on penalty of 20s.
to be recovered in a summary way, and applied to the use of the road;

VII. Provided always, That such gate keeper or toll-gatherer shall not hereby be obliged to account oftener than once in every fourteen days.

VIII. And be it further enacted by the authority aforesaid, That if any such mortgagee or mortgagees shall keep possession of any toll-gate or bar by him, her, or themselves, or by any other person or persons on his, her, or their behalf, and receive the tolls or duties thereat, after such mortgagee or mortgagees shall have received the full sum or sums of money due on their respective mortgage or mortgages, and the interest thereof; such mortgagee or mortgagees shall forfeit and pay, as a penalty, to the said trustees or commissioners, double the sum or sums of money he, she, or they, shall have received over and above the sum or sums of money due on such mortgage or mortgages, and the interest thereof, with treble costs of suit; to be recovered by the said trustees or commissioners, or by the treasurer or clerk to such trustees or commissioners, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, and when recovered shall be applied to the use of the respective road or roads on which such toll-gate or bar shall be placed.

but is not obliged to account oftener than once a fortnight.
Mortgagee keeping possession after receiving his debt with interest, forfeits double the surplus money received, and interest, with treble costs of suit.

IX. And whereas by several acts of parliament for the amendment and preservation of the public highways and turnpike roads of this

Convictions for offences against the turnpike acts, where the penalty is the forfeiture of one of the horses, is to be upon the oath of two witnesses not interested.

Appeal to the quarter sessions allowed.

No Certiorari to be against their determination.

Trustees may act as justices in all matters relating to the roads for which they are trustees.

kingdom, the persons guilty of several offences against the said acts are subject to the forfeiture of one of the horses or beasts drawing the waggon, cart, or carriage, of such offender, with all geers, bridles, halters, and accoutrements, to such horse or beast belonging, upon proof being made of the offence upon oath before one justice of the peace; such horse or other beast to be immediately delivered to the person or persons who seized or distrained the same, to and for his and their own use and benefit: and whereas doubts have arisen whether the person distraining is a competent witness for the proof of such offence; for removing of such doubts, be it further enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty six, no such conviction shall be had or made unless upon the oath of one or more credible witnesses or witnesses not interested in such seizure.

X. And be it further enacted, That if any person or persons shall think him, her, or themselves, aggrieved by the determination of any justice of the peace, he, she, or they, may appeal to the then next general quarter session of the peace, who shall finally determine the matter of such appeal, and allow such costs not exceeding forty shillings to either party as such session shall think fit; on which determination no *Certiorari* shall lie or be brought.

XI. And be it further enacted by the authority aforesaid, That any trustee or commissioner of any turnpike road appointed, or to be appointed, by virtue of any act now or hereafter to be made, may act as a justice of the peace in hearing and determining offences, and all other matters, relating to such road, in as full and ample a manner as if he was not commissioner or trustee; any law, custom, or usage, to the contrary notwithstanding.

C A P. XLIV.

An act to continue several laws therein mentioned relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the encouragement of the silk manufactures; and for taking off several duties on merchandize exported, and reducing other duties; to the premium upon masts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Majesty's plantations in America; to the securing the duties upon foreign made sail cloth, and charging foreign made sails with a duty; and for enlarging the times limited for executing and performing several provisions, powers, and directions, in acts of this session of parliament.

Pyssamble.

WHEREAS the laws herein after mentioned, which have by experience, been found useful and beneficial, are near expiring; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual

tual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a clause in an act made in the ninth and tenth years of the reign of his late majesty King *William* the Third, intituled, *An act to settle the trade to Africa*, for allowing, during a limited time, a drawback of the duties upon the exportation of copper bars imported; and which clause was to continue in force for the term of thirteen years, and from thence to the end of the then next session of parliament; and which clause, after the expiration thereof, was, by an act made in the twelfth year of the reign of her majesty Queen *Anne*, revived and continued; and also a proviso in the last mentioned act contained, that no drawback should be allowed on the exportation of any copper but such as had been, or should be, imported from the *East Indies* and the coast of *Barbary* only; and which said clause and proviso, by several subsequent acts of the thirteenth year of the reign of his late majesty King *George* the First, and of the fifteenth, twenty sixth, and thirty second years of the reign of his late majesty King *George* the Second, were continued until the twenty fourth day of *June*, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament; shall be, and the same are hereby further continued from the expiration thereof, until the twenty fourth day of *June*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

Clause in act 9 & 10 Will. 3. which was continued by several subsequent acts,

and a proviso in act 12 Annæ, which was also continued by several subsequent acts,

are further continued to 24 June, 1774.

II. And be it further enacted by the authority aforesaid, That so much of an act made in the eighth year of the reign of his late majesty King *George* the First, for the encouragement of the silk manufactures of this kingdom, and for taking off several duties on merchandizes exported, and for reducing the duties upon bever skins, pepper, mace, cloves, and nutmegs, imported, and for importation of all furs of the product of the *British* plantations, into this kingdom only; and that the two corporations of assurance, on any suits brought on their policies, shall be liable only to single damages and costs of suit, as relates to the encouragement of the silk manufactures of this kingdom, and to the taking off several duties on merchandizes exported, which was to continue in force for three years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which by several subsequent acts made in the eleventh year of the reign of his late majesty King *George* the First, and in the second, eighth, fifteenth, twentieth, twenty sixth, and thirty second years of the reign of his late majesty King *George* the Second, hath been continued until the twenty fourth day of *June*, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of *June*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

Certain clauses in act 8 Geo. 1. which were continued by several subsequent acts,

are further continued to 24 June, 1774.

Certain clauses
in act 2 Geo. 2.
which were
continued by
several subse-
quent acts,

III. And be it further enacted by the authority aforesaid, That so much of an act made in the second year of the reign of his late majesty King *George* the Second, for the better preservation of his Majesty's woods in *America*, and for the encouragement of the importation of naval stores from thence, and to encourage the importation of masts, yards, and bowsprits, from that part of *Great Britain* called *Scotland*, as relates to the premiums upon masts, yards, and bowsprits, tar, pitch, and turpentine, which was to continue in force from the twenty ninth day of *September*, one thousand seven hundred and twenty nine, for the term of thirteen years, and to the end of the then next session of parliament; and which by several subsequent acts made in the thirteenth and twenty fourth years of his said late Majesty's reign, was further continued until the twenty fifth day of *December*, one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament; and which by another act made in the twenty fifth year of the reign of his said late Majesty, was amended, and further continued until the twenty fifth day of *March*, one thousand seven hundred and fifty eight; and which by another act made in the thirty second year of the reign of his said late Majesty, was further continued until the twenty fourth day of *June*, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of *June*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

are further
continued to
24 June, 1774.

Act 5 Geo. 2.
which was
continued by
several subse-
quent acts,

IV. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his late majesty King *George* the Second, for encouraging the growth of coffee in his Majesty's plantations in *America*, which was to continue in force from the twenty fifth day of *March*, one thousand seven hundred and thirty five, until the twenty fifth day of *March*, one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament; and which by several subsequent acts made in the eleventh, nineteenth, twenty fifth, and thirty second years of his said late Majesty's reign, was further continued from the expiration thereof, until the twenty fourth day of *June*, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament (except such part thereof as relates to the importation and exportation of foreign coffee into, and from, the *British* colonies and plantations in *America*) shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of *June*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

is further con-
tinued (except
what relates to
the importa-
tion and ex-
portation of
coffee) to 24
June, 1774.

Act 19 Geo. 2.
which was
continued by

V. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of his late majesty King *George* the Second, for the more effectual securing

securing the duties now payable on foreign made sail cloth im-ported into this kingdom; and for charging all foreign made sails with a duty; and for explaining a doubt concerning ships being obliged at their first setting out to sea to be furnished with one compleat set of sails made of *British* sail cloth, which was to continue in force from the twenty fourth day of *June*, one thousand seven hundred and forty six, for the term of seven years, and from thence to the end of the then session of parliament; and which by two subsequent acts made in the twenty sixth and thirty second years of the reign of his said late Majesty, was further continued until the twenty fourth day of *June*, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of *June*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

is further continued to 24 June, 1774.

VI. *And whereas by one or more act or acts of this present session of parliament, several provisions, powers, authorities, matters, and things, therein contained, have been, are, or may be, required, directed, or authorized, to be executed, done, or performed, on or before the day or days of passing or putting into execution such act or acts, whereby the good purposes thereby intended may be defeated;* be it therefore enacted by the authority aforesaid, That

in case any act or acts of parliament hath or have passed, or shall pass, during this present session of parliament, whereby any provision, power, or authority, or any matter or thing, hath been, is, or shall be, directed, required, or authorized, to be executed, done, or performed, on or before any day or days which hath or have been, is, are, or shall be, the day or days of the passing, or the day or days of the putting the said act or acts into execution, or which hath, is, or shall have, elapsed, before the passing or putting into execution any such act or acts respectively, or which cannot be executed, done, and performed, as therein is mentioned; then, and in each and every such case, all such provisions, powers, authorities, matters, and things, as have been, are, or shall be, authorized, directed, or required, to be executed, done, or performed, on or before the day or days respectively limited in every such act, shall be, and are hereby authorized, directed, and required, to be executed, done, and performed, on or before the day five weeks next after the end of this present session of parliament, by the persons respectively who, in every such act respectively, have been, are, or shall be, authorized, directed, or required, to execute, do, or perform, the same, on or before the day or days therein limited; and all such provisions, powers, authorities, matters, and things, as have been, are, or shall be, authorized, directed, or required, to be executed, done, or performed, on or before the respective day or days limited in every such act respectively, may be, and are hereby authorized, directed, and required, to be executed, done, or performed, on or before the

The times limited for executing and performing several provisions, powers, and directions, in acts of this session,

are enlarged to the day 5 weeks next after the end of this session;

and the said several provisions, powers, matters, and things, being then executed, are declared to be valid and effectual.

day five weeks next after the end of this present session of parliament, by the persons respectively who have been, or shall be, authorized, directed, or required, to execute, do, or perform, the same: and all such provisions, powers, authorities, matters, and things, so executed, done, and performed, on or before the day five weeks next after the end of this present session, shall be as valid and effectual, and shall be so deemed and taken, to all intents and purposes, as if the same had been executed, done, and performed, on or before the day or days limited in every such act respectively; any thing herein contained to the contrary notwithstanding.

C A P. XLV.

An act for allowing a bounty on the exportation of British made cordage; and for discontinuing the drawbacks upon foreign rough hemp exported.

Preamble,

WHEREAS the wealth and prosperity of this kingdom doth very much depend upon the improvement of its manufactures, and the exportation thereof; which exportation ought, by all proper means, to be encouraged, for the more comfortable support of great numbers of his Majesty's subjects employed in the making or working of such manufactures, and for the enlargement of the commerce of Great Britain: and whereas the manufacture of hemp into cordage has, of late years, been greatly improved in this kingdom; and there is reason to believe, that the exportation of such cordage into foreign parts would considerably increase, if some allowance was made upon the exportation thereof: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and sixty six, during the term of five years, and from thence to the end of the then next session of parliament, there shall be paid or allowed for and upon every hundred weight, containing one hundred and twelve pounds weight avoirdupois, of cordage, wrought up and manufactured in Great Britain from foreign rough hemp, or hemp of the growth of Great Britain, except hemp of the growth or produce of the British colonies or plantations in America, which shall be really and truly exported out of this kingdom to parts beyond the seas (except the isle of Man) by way of merchandize, and so in proportion for any greater or lesser quantity thereof, by way of bounty, the sum of two shillings and four pence three farthings; which said allowance or bounty shall be paid and answered to the person or persons so exporting the same, by the customer or collector of the customs, with the privity of the comptroller of the port from whence the same shall be exported, on a debenture to be made forth by the said customer or collector, according to the entry of the goods and the shipping thereof, verified by the searcher; and oath made by the exporter

From and after 1 July, 1766, during the term of 5 years, a bounty of 4 s. 4 d. 3 q is allowed upon every cwt of cordage manufactured in Great Britain from foreign rough hemp, or British hemp (that of the American colonies excepted) exported as merchandize to foreign parts;

exporter or manufacturer thereof, on the entry or debenture before the customer, or collector or comptroller of such port, that the said cordage is of *British* manufacture, and made from hemp imported from foreign parts, or from hemp of the growth of *Great Britain*, and not from hemp of the growth or produce of the *British* colonies or plantations in *America*; and exported, or intended to be exported, to parts beyond the seas, and not relanded, or intended to be relanded, in any part of *Great Britain*, or the isle of *Man*; the exporter with one or more person or persons first giving sufficient security to the said customer or collector of the port, in a penalty of the value of the goods (which security the said customer or collector is hereby impowered to take in the name, and to the use, of his Majesty, his heirs, and successors) that such cordage so shipped, or intended to be shipped, or any part thereof, shall not be relanded, or brought on shore again, in any port or place of *Great Britain*, or the isle of *Man*; and such security shall be discharged in the manner hereafter mentioned; that is to say, for such of the said goods as shall be entered for, or landed in, the kingdom of *Ireland*, the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, the condition of the bond shall be, to bring in a certificate in discharge thereof within six months from the date of the bond; and within eighteen months for such of the said goods as shall be entered for, or landed in, any of his Majesty's plantations in *America* or *Africa*; and within thirty months for such of the said goods as shall be entered for, or landed in, any port or place at or beyond the *Cape of Good Hope*: which said certificate for such cordage as aforesaid as shall be landed in any port or place where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such goods were there landed, testifying the landing thereof; and for such cordage as aforesaid as shall be entered for the islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, shall be signed by the proper officer or officers of his Majesty's customs, if any such officer or officers shall be residing in those islands respectively; and for want of such officer residing there, then by the governor of those islands, or the deputy governor thereof respectively; and for such cordage as aforesaid as shall be entered for any other foreign port or place, to bring a certificate under the common seal of the chief magistrate in such port or place, or under the hands and seals of two known *British* merchants then being at such port or place, that such cordage was there landed; or such bond or bonds shall be discharged, upon proof, in either of the said cases, that such goods were taken by enemies, or perished in the seas; the examination and proof thereof being left to the judgement of the commissioners of the customs in *England* or *Scotland* respectively for the time being.

the exporter giving security for the due exportation thereof.

Condition of the bond.

Certificate by whom to be signed.

II. And, for the better preventing frauds in the entering the said goods to the prejudice of the revenue, be it further enacted by the authority of the said Parliament, that the said goods shall be open and examined by the authority of the said Parliament.

repacking the same, if no fraud appear, at his own charge, which is to be allowed by the commissioners of the customs; but if any fraud appear, the goods are forfeited, with treble the value.

In disputes whether the goods are of British manufacture, intitled to the bounty, the *Onus probandi*

If the goods be reloaded without licence,

unless in case of distress, they are forfeited, together with the penalty of the bond, and treble value.

The bounty to be paid out of the duties upon hemp imported, by the customer or collector;

and in case of want of money, he is to give a certificate for the same, &c.

authority aforesaid, That it shall and may be lawful to and for any searcher, or other proper officer of the customs, after the entry of any of the said goods, and before or after the shipping thereof, to open, and strictly examine, any bale, quoil, or other package, as now by law they may do, to see if the goods are right entered; and if, on such examination, the same shall be found to be right entered, the officer shall, at his own charge, cause the same to be repacked to the satisfaction of the exporter; which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable; but in case the said officer shall find goods, or any part thereof, entered under a wrong denomination, or to be less in quantity than expressed in the exporter's indorsement upon the entry of such cordage, whereby his Majesty would have been defrauded in the allowance to be paid on the exportation of such goods, contrary to the true intent and meaning of this act; all such goods, so wrong entered, shall be forfeited, and may be seized, and the exporter or owner of such goods shall also forfeit the value thereof, to be prosecuted and divided as herein after mentioned.

III. Provided always, and be it further enacted by the authority aforesaid, That if any dispute shall arise concerning the said cordage; that is to say, whether the same was made in *Great Britain*, or is intitled to the bounty granted by this act, the *Onus probandi* shall lie on the exporter, claimer, or owner thereof, and not on the officer.

IV. And be it further enacted by the authority aforesaid, That if any of the said cordage shipped to be exported, for which allowance is hereby made, shall be reloaded or unshipped in any port or place in *Great Britain*, or the *Isle of Man*, contrary to the true intent and meaning of this act, without the licence of one or more of the principal officers of such port or place first had and obtained, or unless it be in case of distress, to save the said goods from perishing; the goods (over and above the penalty of the bond to be levied and recovered to his Majesty's use as aforesaid) and treble the value of such goods, shall be forfeited and lost, and shall and may be prosecuted, recovered, and divided, in the manner herein after mentioned.

V. And be it further enacted by the authority aforesaid, That the said allowance shall and may be paid by the respective customer or collector, out of any money in his hands arising from customs or other duties upon hemp imported, or to be imported, from parts beyond the seas; and the money so paid shall be accepted of in his or their account as so much paid to his Majesty, and he and they is, are, and shall be, discharged thereof accordingly; and in case any collector of the customs in any out port in *South Britain*, or of any port in *North Britain*, shall not have money sufficient in his hands to pay such bounty, that then every such collector shall, if thereunto required, forthwith, without fee or reward, give to the person or persons intitled to such bounty, a certificate under his hand, attested by the

the comptroller, certifying to the commissioners of his Majesty's customs in *London*, if such cordage is exported from any port in that part of *Great Britain* called *England*, or to the commissioners of his Majesty's customs at *Edinburgh*, if such cordage is exported from any port in that part of *Great Britain* called *Scotland*, that he hath not money in his hands sufficient to pay the said bounty, and also what is due for the same to such person or persons; and upon producing such certificate, and the debenture of the cordage exported, the said respective commissioners of the customs shall cause to be paid, without fee or reward, by the receiver general, or cashier of the customs at *London* or *Edinburgh* respectively, to the person or persons producing every such certificate and debenture, the sum or sums of money so certified to be due, out of the monies arising from any of the duties, revenues, and customs, under the management of such respective commissioners; and if the receiver general, or cashier of the customs at *Edinburgh*, shall not have money sufficient in his hands to pay the bounty so certified to be due, the commissioners of his Majesty's customs at *Edinburgh*, or any three of them, shall forthwith, without fee or reward, give such exporter, or seller for exportation, a certificate certifying the same to the commissioners of his Majesty's customs at *London*, which certificates being affixed to the debentures for the bounty of the said cordage so exported, and being produced to the said commissioners of his Majesty's customs at *London*, they the said commissioners are hereby authorized and required, on demand by such exporter or seller for exportation, or other person legally authorized to receive the same, that shall bring such certificate and debenture, to cause the money thereby certified to be due to be paid by the receiver general, or cashier of the customs, without fee or reward, out of the monies that shall be in his hands arising from any of the duties, revenues, and customs, payable on foreign rough hemp, under the management of the said commissioners at *London*.

VI. Provided always, and be it enacted by the authority aforesaid, That the bounty intended to be given by this act shall not extend to cordage re-manufactured from any sort of old cables, old ropes, or old cordage whatsoever, commonly called *Twice layed cordage*.

Bounty not to extend to twice layed cordage.

VII. Provided also, and be it further enacted by the authority aforesaid, That in case any of the customs or other duties now payable on the importation of foreign rough hemp, shall, during the continuance of this act, be redeemed, or otherwise cease to be payable, so much of the allowance to be made on the exportation of the cordage before-mentioned shall be abated, as shall bear a proportion to the customs or duties so redeemed, or that shall cease to be payable on rough hemp; any thing herein contained to the contrary notwithstanding.

Upon redemption, or ceasing of the duties,

a proportionable abatement to be made of the bounty.

VIII. And, for the further encouragement of the exportation of cordage manufactured in Great Britain; be it further enacted by

Drawback allowed by any the former acts on

exportation of the authority aforesaid, That the drawback which by any act foreign rough or acts of parliament is allowed and made payable upon the hemp to cease. exportation of foreign rough hemp from this kingdom, shall, from and after the passing of this act, cease, determine, and be no longer paid or payable.

Recovery and application of penalties and forfeitures. IX. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures in this act mentioned, shall and may be prosecuted and determined by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh* respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed; and one moiety of the said penalties and forfeitures shall be to the use of the King's majesty, and the other moiety to such officer or officers of the customs as shall sue for or prosecute for the same.

Limitation of actions, X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; or if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

Treble costs.

C A P. XLVI.

An act for explaining part of an act made in the second year of the reign of his present Majesty, relating to the removal for home consumption of spirits made for exportation; for laying an additional duty upon the importation of silk crapes and tiffanies; for allowing the exportation of a certain quantity of gum senega and gum arabic to Ireland, free of duty, for the use of the manufacturers there; for permitting the importation into this kingdom, from the Isle of Man, of a certain quantity of bugles; and for altering certain regulations relating to the tonnage of ships exporting and importing spirits.

Preamble, reciting clause in act 2 Geo. 3.

WHEREAS by a clause in an act of parliament passed in the second year of the reign of his present Majesty, intituled, An act for more effectually preventing the excessive use of spirituous liquors for home consumption, by laying additional duties upon spirits made in *Great Britain*, or imported into the same; and

for

for better regulating and encouraging the exportation of *British* made spirits; and for securing the payment of the duties upon spirituous liquors; it was, amongst other things, provided and enacted, That if any distiller or distillers for exportation, after he, she, or they have deposited any spirits made for exportation (whether raw or rectified) in manner as by the said act is directed, in a warehouse or warehouses, should be desirous of using any such spirits for home consumption, and should signify such his, her, or their desire to the commissioners of excise for the time being, it should and might be lawful for the said commissioners, or any two of them, to direct the quantity of spirits so desired to be taken out of such warehouse or warehouses, and delivered to such distiller or distillers, he, she, or they, having first duly paid to the proper officer of excise appointed to receive the duties on low wines and spirits, the sum of forty pounds ten shillings for each ton of such spirits of the strength they were taken into such warehouse, videlicet, One to six under hydrometer proof: and whereas doubts have arisen whether, by virtue of the above recited clause, any spirits made for exportation, other than spirits made from corn, may be delivered out of such warehouse or warehouses to be used for home consumption, on payment of forty pounds ten shillings for each ton thereof: now, for obviating such doubts for the future, may it please your Majesty, that it may be enacted and declared; and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the power granted by the said recited clause to remove spirits made for exportation from such warehouses, to be used for home consumption, on payment of forty pounds ten shillings for each ton of such spirits, was intended to extend to such spirits as are made from corn, malt, or melasses, and to such spirits only.

II. Provided always, That no less quantity than a ton of such spirits shall be taken out of any such warehouse, at any one time, for home consumption.

III. And whereas the laying an additional duty on silk crapes and tiffanies of the manufacture of Italy, may encourage the manufacture of such crapes and tiffanies in this kingdom; be it enacted by the authority aforesaid, That from and after the first day of August, one thousand seven hundred and sixty six, there shall be paid to his Majesty, his heirs, and successors, for every pound weight of silk crapes and tiffanies of the manufacture of Italy imported into Great Britain (each pound containing sixteen ounces) the sum of seventeen shillings and six pence, over and above all other rates and duties by any act or acts of parliament imposed thereupon; and that the said additional duty by this act granted, shall be raised, levied, collected, and paid, in such manner as the duties now payable upon silk crapes and tiffanies of the manufacture of Italy, have been raised, levied, collected, and paid; and all monies which shall and may arise out of the said additional duty, shall be carried to, and made part of, the fund commonly called *The sinking fund*; and the same shall be deemed

Power granted by the recited clause declared to extend to such spirits only as are made from corn, malt, or melasses.

Not less than 1 ton to be taken out at a time for home consumption.

From and after 1 August, 1766, an additional duty of 17s. 6d. per lb. is to take place on all Italian silk crapes and tiffanies imported;

and

the monies to be carried into, and made part of the sinking fund.

A drawback of one half of the additional duty to be allowed upon the exportation thereof.

From and after 14 June, 1766, liberty given to export to Ireland any quantity of gum senega or gum arabic, not exceeding 30 tons in any one year; licence being first had from the treasury;

and the exporter giving bond with security for the due landing, &c. thereof,

and taken to be part of the same sinking fund, and shall be issued and applied to such uses and purposes as the several excesses, surplusses, or overplus monies, composing the sinking fund, are or may be issued and applied; and all provisions of or in every act, law or statute, now in force for raising, levying, collecting, and paying, the duties already imposed on silk crapes and tiffanies of the manufacture of *Italy*, shall be in full force, and shall be put in execution, for raising, levying, collecting, and paying, the additional duty by this act granted, as fully and effectually, to all intents and purposes, as if the same had been particularly repeated and re-enacted in this act.

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty six, upon the exportation of such silk crapes and tiffanies, which shall have paid the said duty by this act imposed, there shall be allowed a drawback of one half of the said additional duty of seventeen shillings and six pence upon every pound weight of such crapes and tiffanies so exported (each pound containing sixteen ounces) which said drawback shall be made or allowed according to such rules and methods as drawbacks are allowed by any law now in force relating to the customs on the exportation of such silk crapes and tiffanies.

V. And be it further enacted by the authority aforesaid, That from and after the fourteenth day of *June*, one thousand seven hundred and sixty six, it shall and may be lawful to and for any of his Majesty's subjects, being natives of *Great Britain* or *Ireland*, to export from *Great Britain* to *Ireland*, to be used in the linen manufactures of that kingdom, any quantity of gum senega or gum arabic, so that the whole quantity to be exported of both the said gums, do not exceed thirty tons weight avoirdupois in any one year, without paying any custom or duty for or upon the exportation thereof; provided notice be first given to the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, of the quantity of such gums respectively so intended to be exported, with the name of the ship and master in which the same is to be laden, and the port in *Ireland* to which the same is intended to be carried; and a licence for that purpose is taken under the hands of the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, which licence he or they is and are hereby respectively authorized and empowered to grant; any law, custom, or usage, to the contrary notwithstanding.

VI. And it is hereby further enacted by the authority aforesaid, That, before any such gums respectively shall be shipped or laden on board any ship or vessel in *Great Britain*, to be exported to *Ireland*, by virtue of such licence as aforesaid, the exporter shall give bond, with sufficient security, to his Majesty, his heirs, and successors, in the sum of three pounds and ten shillings for every hundred weight of such gums respectively, that

that the same, and every part thereof, shall (the danger of the seas excepted) be well and truly exported to, and landed at some port in, the kingdom of *Ireland*, to be named and expressed in such bond; and, upon landing, be immediately lodged and secured in such warehouse belonging to his Majesty, his heirs, and successors, as the commissioners of his Majesty's revenue in *Ireland*, or any three or more of them for the time being, shall direct and appoint; and to produce, within twelve months from the date of each respective bond, to the commissioners of the customs, or the principal officers of the customs, at the port where such bond shall have been given, a certificate under the hands and seals of the collector and comptroller, or other principal officers of the customs, at the port where such gums respectively shall be landed and secured, that the same have been so landed and delivered into their custody and possession; and the said gums shall not be afterwards taken out of such warehouse, until the owner or proprietor of such gums respectively shall have given bond, with sufficient security, to his Majesty, his heirs, and successors, in the sum of fifty pounds for every hundred weight of such gums respectively, not to export the same again from the kingdom of *Ireland*, but to use, sell, or dispose of, the same in or for the linen manufactures of the said kingdom, and for no other use or purpose whatsoever; and that he will not sell such gums for any greater price than he paid for the same; which last mentioned bond shall continue in force for one year from and after the date thereof; and in case no fraud shall appear within that time, it shall and may be lawful for the commissioners of his Majesty's revenue in *Ireland*, or any three or more of them, to direct the said bond to be delivered up and cancelled.

and warehousing the same;

and producing a certificate within 12 months.

Gums not to be taken out of the King's warehouses, till bond and security be given not to export the same, but to use or dispose of the same for the linen manufactures of the kingdom, &c.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the customs in that part of *Great Britain* called *England*, or any three or more of them, at any time before the twenty first day of *July*, one thousand seven hundred and sixty six, but no longer, to grant licence without fee or reward, in such cases as they shall think proper, to any person or persons to import into any port in *England*, from the *Isle of Man*, in *British* ships navigated according to law, any quantity of bugles, not exceeding in the whole twenty five thousand pounds weight avoirdupois, which were imported into the said *Isle of Man* before the first day of *March*, one thousand seven hundred and sixty five; so as notice be given to the said commissioners of the quantities and package of such bugles so intended to be imported, together with the marks and numbers thereof, with the name of the ship and master in which the same are intended to be laden, and the port into which they are intended to be brought, and proof be made by oath of the proprietor (or if the proprietor be a *Quaker*, by his affirmation) and by the oath of one other credible person, of the time when the bugles, for which such licence is desired, were imported into the said *Isle of Man*.

Commissioners of the customs empowered to grant a licence to import a certain quantity of bugles from the *Isle of Man*.

Upon entry of the bugles, the licence for importation to be delivered up.

Bugles liable to duties, &c.

Clauses in two acts of 33 Geo. 3.

Act 33 Geo. 3.

& 5 Geo. 3.

From and after 24 June, 1766, British made spirits allowed to be exported; and rums and spirits of the British sugar plantations, to be exported, or imported, in vessels not less than 70 tons burthen.

VIII. And be it further enacted, That upon entry of any such bugles, the licence granted for importing the same shall be delivered up by the master, or other person taking charge of the vessel, to the collector or other principal officer of the customs at the port of importation, to be by such officer transmitted to the said commissioners of the customs to be cancelled; and the said bugles shall be liable to the same duties, restrictions, and regulations, in all respects, as bugles imported into *Great Britain* from foreign parts are now liable to by law; any law, custom, or usage, to the contrary notwithstanding.

IX. And whereas by an act made in the thirty third year of his late majesty King George the Second, intituled, An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal, flour, and bran; and for encouraging the exportation of *British* made spirits; and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof; *the exportation, as merchandize, of British made spirits is limited to vessels of one hundred tons at the least: and whereas by another act made in the said thirty third year*

of his said Majesty, intituled, An act for encouraging the exportation of rum and spirits of the growth, produce, and manufacture, of the British sugar plantations, from this kingdom, and of British spirits made from melasses; the exportation of rum and spirits from this kingdom, as merchandize, of the growth, produce, and manufacture, of the British sugar plantations, is also limited to vessels of one hundred tons at the least: and whereas by an act made

in the last session of parliament, intituled, An act for the better securing, and further improvement, of the revenues of customs, excise, inland and salt duties; and for encouraging the linen manufacture of the Isle of Man; and for allowing the importation of several goods the produce and manufacture of the said island, under certain restrictions and regulations; the importation into this kingdom of any foreign spirits is limited to vessels of one hundred tons at the least: and whereas it would be of great convenience to trade and navigation if such exportation to certain places, and such importation, were to be allowed in vessels of less burthen than one hundred tons; be it therefore further enacted by the authority

aforsaid, That from and after the twenty fourth day of June, one thousand seven hundred and sixty six, any British made spirits may be exported as merchandize from this kingdom to Africa and Newfoundland, in any vessel not being of less burthen than seventy tons; and any rum and spirits of the growth, produce, and manufacture, of the British sugar plantations, may be exported from this kingdom as merchandize to Africa, Ireland, and Newfoundland, in any vessels not being of less burthen than seventy tons; and that any rum or other spirits of the growth and manufacture of the British sugar plantations, may be imported or brought into this kingdom in any vessel of not less burthen than seventy tons; all which exportation and importation

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tion shall, in all other respects, be made under and subject to the powers, authorities, rules, regulations, limitations, restrictions, penalties, forfeitures, clauses, matters, and things, in the said acts contained respectively, and not otherwise.

C A P. XLVII.

An act for laying additional duties on certain spirits imported; and for prolonging the time allowed by law for lodging and keeping in warehouses rum and spirits imported.

WHEREAS the importation of foreign brandy and spirits Preamble.
 hath of late considerably increased, to the prejudice of the trade of his Majesty's dominions: therefore we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors, throughout the kingdom of Great Britain, the following additional rates and duties of excise herein after mentioned; that is to say, For every gallon of single brandy, spirits, or aqua vitæ, imported into Great Britain from beyond the seas, not being the produce of the British colonies or plantations, to be paid by the importer before landing, six pence; and for every gallon of brandy, spirits, or aqua vitæ, above proof, commonly called double brandy, imported into Great Britain from beyond the seas, not being the produce of the British colonies or plantations, to be paid by the importer before landing, one shilling.

The following additional duties on foreign spirituous liquors to take place from and after 1 July, 1766; viz. 6d. per gallon on single brandies, &c. & 1s. per gallon on double brandies, &c. to be paid before landing.

II. *And for the better ascertaining, charging, collecting, raising, levying, and securing, the said additional rates and duties, and preventing frauds therein;* be it further enacted by the authority aforesaid, That such of the rates and duties as are hereby imposed upon the said spirituous liquors imported into England, Wales, or the town of Berwick upon Tweed, shall be under the receipt and management of the commissioners and officers of his Majesty's revenue of excise in England for the time being; and that such of the said rates and duties as are hereby imposed upon the said spirituous liquors imported into Scotland, shall be under the receipt and management of the commissioners and officers of excise in Scotland for the time being; and the said respective commissioners, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf; and that all the monies arising by the said additional rates and duties in Great Britain, or any part thereof (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's

The duties to be under the receipt and management of the commissioners and officers of excise; and to be paid into the exchequer, and applied as the like duties by act 33 Geo. 2.

Majesty's exchequer at *Westminster*, and shall be applied in such manner as the duties laid on brandy, spirits, and aqua vitæ, by an act made in the thirty third year of the reign of his late Majesty King *George* the Second, for preventing the excessive use of spirituous liquors, by laying additional duties thereon, and for other purposes, are now appropriated and applied.

and to be ascertained, levied, and secured, as the former duties upon the said liquors.

III. And be it further enacted by the authority aforesaid, That the additional rates and duties by this act granted, shall be ascertained, charged, collected, raised, levied, and secured, in such and the same manner, and under such regulations, and with such powers and authorities, as are granted, prescribed, and appointed, by any act or acts of parliament now in force, with respect to the rates and duties formerly granted upon the importation of the said spirituous liquors.

Recital of clauses in act 15 Geo. 2.

IV. *And whereas by an act passed in the fifteenth year of the reign of his late majesty King George the Second, to empower the importers or proprietors of rum or spirits of the British sugar plantations, to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence, and for other purposes, it was enacted, That from and after the twenty ninth day of September, one thousand seven hundred and forty two, all such rum or spirits of the growth, produce, or manufacture, of the British sugar plantations, as should be imported into the kingdom of Great Britain directly from the said sugar plantations, or any of them, upon the entry thereof might forthwith, and before payment of all or any part of the duty of excise charged upon the same, be landed from on board the ship or vessel in which the same should be so imported, and carried and put into such warehouse or warehouses as should be for that purpose provided (at the charge of the respective proprietor or proprietors, importer or importers, of such rum or spirits) and should be approved of by the commissioners of excise, or the major part of them, for the time being, upon the proprietor or proprietors, importer or importers, of such rum or spirits that should be so landed, first giving (at his or their charge and expence) his or their bond, or other good and sufficient security, which the commissioners or other proper officers of the excise were thereby required and empowered to take, for payment of all and every the duties of excise which rum or spirits was charged with, and liable to pay, as soon as the same should be sold, in case the same should be sold within six months from and after the time the same should be so landed and put into warehouses as aforesaid; and in case the same should not be sold within the said six months, then to pay the same at the end of such six months; such duty of excise to be computed according to the gage of such rum or spirits, to be taken at the time the same should be so landed and lodged in warehouses as aforesaid: and it is in and by the said act further enacted, That in case such rum or spirits should, after landed, be permitted or suffered to remain in such warehouse or warehouses, in which the same should be so lodged for the purposes aforesaid, for any time exceeding the space of six months after the same should be so landed and lodged in such warehouse as aforesaid; and the importer or proprietor, or other person or persons by him or them*

hem appointed, should not, within the said six months, pay, or cause to be paid, to the collector or receiver of the excise duties appointed to receive the same, all and every the duties of excise to which the same were subject and liable; and should omit to procure or bring such certificate, therein before directed to be had and made, from such collector or receiver to such warehouse keeper or warehouse keepers, and to the officer of excise attending the same, of the payment of the said duties of excise within the time aforesaid; that then it should and might be lawful to and for the said commissioners of excise, or the major part of them, for the time being, to direct and order such rum or spirits, so lodged in such warehouse or warehouses, for which the said duties should not be paid within the time aforesaid, to be put up to sale at publick sale or auction to the best bidder or bidders for the same; and that the money arising by such sale should, in the first place, be applied in discharge of the duties payable thereon, and the charges attending such warehouse or warehouses, and also the expence of such sale; and the surplus of the monies so arising by such sale (if any) after payment of the said duties and charges, should go and be paid to the proprietor or importer of the said rum and spirits who so landed and lodged the same in the said warehouse: and whereas it may tend to the encouragement of the importation and re-exportation of rum or spirits of the growth, produce, or manufacture, of the British sugar plantations into and from this kingdom, and be of greater ease to the proprietor or importer of the same, if the said term of six months, by the said act given and granted for such rum or spirits so to be warehoused in the manner by the said act directed, be enlarged to a longer time; be it therefore enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and sixty six, the said term of six months, so given and granted in and by the said act of the fifteenth year of his late majesty King George the Second above recited, shall be extended and enlarged to the space of twelve calendar months for the purposes in the said act mentioned, under the same provisions and regulations, and with such powers and authorities, as are granted, prescribed, or appointed, in and by the said recited act, or any other act or acts of parliament now in force, with respect to the landing and warehousing of rum or spirits of the growth, produce, or manufacture, of the *British* sugar plantations into the kingdom of *Great Britain*.

The term of 6 months granted by the recited act, for rum or spirits from the British sugar plantations to be warehoused, before payment of the duties of excise, after 1 July, 1766, is enlarged to 12 months.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence, in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP. XLVIII.

An Act for the better preservation of timber trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants.

Preamble.

WHEREAS the preservation of timber trees, or trees likely to become timber, is of great consequence to this kingdom; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty six, every person who shall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber tree or trees, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or, in any of his Majesty's forests or chases, without the consent of the surveyor or surveyors, or his or their deputy or deputies, or person or persons intrusted with the care of the same, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace for the county, city, riding, division, district, or place, wherein such offence shall have been committed, shall, for the first offence, forfeit and pay such sum of money, not exceeding twenty pounds, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the offender; and upon non-payment thereof, such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months, nor less than six months, or until the penalty and charges shall be paid; and if any person so convicted shall be guilty of the like offence a second time, and shall be thereof convicted in like manner, such person shall forfeit and pay such sum of money, not exceeding thirty pounds, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the offender; and upon non-payment thereof, such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding eighteen months, nor less than twelve months, or until the penalty and charges shall be paid; and if any person so convicted shall be guilty of the like offence a third time, and shall be thereof convicted in like manner, such person shall be deemed guilty of felony, and the court, by and before whom such person shall be tried, shall and hereby hath authority to transport such person

From and after 24 June, 1766, persons convicted of damaging destroying, or carrying away any timber trees, &c. or the lops or tops thereof, without consent of the owner, &c.

forfeit, for the first offence, not exceeding 20 l. with the charges attending; and on non-payment, are to be committed for not more than 12, nor less than 6 months; for the second offence, a sum not exceeding 30 l. &c.

and on non-payment, are to be committed for not more than 18, nor less than 12 months; and for the third offence, are to be transported for 7 years.

or persons, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

II. And be it enacted by the authority aforesaid, That all oak, beech, chestnut, wallnut, ash, elm, cedar, fir, asp, lime, ycamore, and birch trees, shall be deemed and taken to be timber trees within the true meaning and provision of this act.

What trees are deemed timber trees within the meaning of the act.

III. *And whereas many idle and disorderly persons have, of late years, made a practice of plucking or digging up, cutting, spoiling, or destroying, and taking or carrying away, divers and sundry sorts of roots, shrubs, and plants (many of which are of great value) out of the fields, nurseries, gardens, and garden grounds, and other cultivated lands, of divers of his Majesty's subjects;* be it therefore enacted by the authority aforesaid, That from and after the

twenty fourth day of *June*, one thousand seven hundred and sixty six, all and every person who shall pluck up, or cut, spoil, or destroy, or take or carry away, any root, shrub, or plant, roots, shrubs, or plants, out of the fields, nurseries, gardens, or garden grounds, or other cultivated lands, of any person or persons whomsoever, without the consent of the owner or owners thereof first had and obtained, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county, city, riding, division, district, or place, wherein such offence shall have been committed, shall, for the first offence, forfeit and pay

Persons convicted of plucking up, spoiling, or taking away, any root, shrub, or plant, out of private cultivated ground,

such sum or sums of money as to such justice or justices shall seem meet, not exceeding forty shillings, together with the charge previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the said offender; and if any person so convicted shall again commit the like offence, and shall be thereof convicted in manner aforesaid, such person and persons being so convicted shall, for such second offence, forfeit and pay such sum of money as to the said justice or justices shall seem meet, not exceeding five pounds, together with the charges previous to and attending the conviction of such offender; and if any person so before convicted, shall a third time commit the like offence, and shall be thereof convicted, such person so convicted shall, for such third offence, be deemed guilty of felony, and the court, before whom such person shall be tried, shall and hereby hath authority to transport such person, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

forfeit, for the first offence, any sum not exceeding 40s. with the charges; for the 2d offence, a sum not exceeding 5l. with the charges;

IV. *And whereas many idle and disorderly persons have of late years made a practice of going into the woods, underwoods, and wood grounds, of divers of his Majesty's subjects, and there cut, and carried away, great quantities of young wood, of various kinds, for making of poles and walking sticks, and for various other uses; and, in beech, and other woods and underwoods, under pretence of getting*

and for the 3d offence, are to be transported for 7 years.

fire-

Persons convicted of cutting, damaging, or taking away, any wood, or underwood, poles, sticks, &c.

or shall have any such in their custody, without being able to account satisfactorily for the same; for the first offence any sum not exceeding 40s. with the charges; and for the second offence any sum not exceeding 5l. with the charges; and for the third offence are to be punished as incorrigible rogues.

Power given to justices of the peace to put this act in execution.

Where the respective forfeitures shall not be paid down on conviction, the offenders may be committed to hard la-

firewood, have cut down, boughed, split off, or otherwise damaged or destroyed the growth of the said woods and underwoods, to the great injury and damage of the lawful owners thereof: and whereas the laws now in being are not found sufficient to remedy the aforesaid evils; be it therefore enacted by the authority aforesaid, That all and every person and persons who, from and after the twenty fourth day of June, one thousand seven hundred and sixty six, shall go into the woods, underwoods, or wood grounds, of any of his Majesty's subjects, not being the lawful owner or owners thereof, and shall there cut, lop, top, or spoil, split down or damage, or otherwise destroy, any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, or carry or convey away the same; or shall have in his, her, or their custody, any kind of wood, underwood, poles, sticks of wood, green stubs, or young trees, and shall not give a satisfactory account how he, she, or they, came by the same, and shall be thereof convicted before any one or more of his said Majesty's justices of the peace, on the oath of one or more credible witnesses or witnesses; shall, for the first offence, forfeit and pay immediately on conviction, any sum not exceeding the sum of forty shillings, together with the charges previous to and attending such conviction, to be ascertained by the said justice or justices who shall convict the offender or offenders: and if any person or persons shall commit any of the offences aforesaid a second time, and shall be thereof again convicted in manner aforesaid; he, she, or they, shall forfeit and pay any sum not exceeding the sum of five pounds, together with the charges previous to and attending such conviction, to be ascertained as aforesaid: and if any person or persons shall commit any of the offences aforesaid a third time; that then such person and persons, being duly convicted thereof according to law, shall be deemed and adjudged an incorrigible rogue or rogues, and shall be punished as such.

V. And be it enacted by the authority aforesaid, That his Majesty's justices of the peace for the respective counties, cities, ridings, divisions, or places, wherein any of the offences committed against this act shall be done, are hereby authorized to put this act in execution, and to administer an oath to any such credible witness or witnesses.

VI. And whereas the mischiefs intended by this act to be prevented may be evaded on account of the offender's not being able to pay down the sum forfeited, and charges incurred thereby; such offenders frequently having no goods or other chattles, whereon the same can be levied; therefore be it enacted, That it shall and may be lawful for such justice or justices, unless the respective forfeitures shall be paid down upon conviction forthwith, where not otherwise directed by this act, by warrant under his or their hands and seals to commit such offender or offenders for the first offence, to the house of correction for one month, to hard labour, and to be once whipped there; and for the second offence, where not otherwise directed by this act, to the house of correction for three months,

months, to hard labour, and to be whipped there once in every month; for the first offence for 1 month, and

once whipped; and for the second offence for 3 months, and to be thrice whipped.

II. And be it further enacted by the authority aforesaid, that if any person or persons shall, at any time, hinder, or attempt to prevent, the seizing or securing any person employed carrying away any such timber or other trees; every such person so hindering, or attempting to prevent, such seizing or seizing, shall, for every such offence, forfeit and pay the sum of ten pounds to the person or persons who shall convict such offender: and if the said sum be not immediately paid on condemnation, the person or persons so convicted shall be, by the justice or justices before whom he, she, or they, shall be convicted, committed to the house of correction, to hard labour, for any term not exceeding six calendar months.

III. And be it further enacted, That one moiety of all and the other moiety of the forfeitures herein before directed to be paid in pursuance of this act, and not otherwise directed, shall go to the informer, and the other moiety to the person or persons aggrieved.

IV. And be it further enacted by the authority aforesaid, that the conviction and convictions of all and every offender or offenders against this act, shall be certified by the justice or justices of the peace before whom the same shall be made, to the general quarter sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be truly written on parchment or paper in the following form of words (as the case shall happen) or in any other form of words to the like effect; that is to say,

it. } BE it remembered, That on the day of the year A. B. was, convicted upon the complaint of C. D. convicted before the justices of the peace for the county of ... in pursuance of an act passed in the sixth year of the reign of his Majesty King George the Third, for as the case shall be.

Given under the day and year above written. hand and seal

That said conviction shall be good and effectual in law to all intents and purposes; and shall not be quashed, set aside, or deemed void or insufficient, for want of any form or words superfluous; nor to be liable to be removed by Certiorari into his Majesty's court of King's Bench, but shall be deemed and taken final to all intents and purposes whatsoever.

C A P. XLIX.

An act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandizes; for granting certain duties to defray the expences of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any other British colony.

Preamble.

WHEREAS the appointing of proper and convenient ports in some of the British colonies in America, for the more free importation and exportation of several goods and merchandizes, under certain restrictions and limitations, may be productive of considerable advantages to the manufactures of Great Britain, tend to the improvement of the revenue thereof, and be a means of increasing and extending the trade and navigation of all his Majesty's dominions: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *November*, one thousand seven hundred and sixty six, live cattle, and all manner of goods and commodities, the growth or produce of any colony or plantation in *America* not under the dominion of his Majesty, his heirs, and successors, except tobacco, may be imported into the ports called *Prince Ruperts Bay* and *Roseau*, in the island of *Dominica*, from any foreign colony or plantation in *America*, in any foreign sloop, schooner, or other vessel whatsoever, not having more than one deck; any law, custom, or usage, to the contrary notwithstanding.

From and after 1 Nov. 1766, liberty given to import, in any foreign one-decked vessels, live cattle, and all manner of goods, the produce of any American colony, not under the British dominion, into the island of *Dominica*; and into the ports of *Jamaica*; such goods as are here particularly enumerated, excepted.

II. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, live cattle, and all manner of goods and commodities, the growth or produce of any colony or plantation in *America* not under the dominion of his Majesty, his heirs, and successors, except sugars, coffee, pimento, ginger, melasses, and tobacco, may, in like manner, be imported into the ports of *Kingston*, *Savannah*, *La Mar*, *Montego Bay*, and *Santa Luca*, in the island of *Jamaica*, from any foreign colony or plantation in *America*, in any foreign sloop, schooner, or other vessel whatsoever, not having more than one deck; any law, custom, or usage, to the contrary notwithstanding.

But no foreign manufactures may be imported into the said islands, on

III. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to allow any manufactures from any colony or plantation in *America* not under the dominion of his Majesty, his heirs, and successors, to be brought or imported

into the said islands of *Dominica* or *Jamaica*; but that all such manufactures so brought and imported, shall be forfeited, together with the ship or vessel in which the same shall be imported, with the tackle, apparel, and furniture thereof; to be seized by any officer or officers of his Majesty's customs, and prosecuted in such manner as herein after is expressed.

forfeiture of the goods and vessel.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *September*, one thousand seven hundred and sixty six, no copper ore, cotton wool, ginger, fustic, or other dyeing woods, hemp, indico, melasses, beaver skins, or other furs, sugar, cocoa, coffee, pimento, hides and skins, pot and pearl ashes, raw silk, or whale fins, of the growth, production, or manufacture, of any *British* colony or plantation in *America*, shall be imported into the said islands of *Dominica* or *Jamaica*, or either of them, upon any pretence whatsoever, upon forfeiture thereof, with the ship or vessel in which the same shall be imported; to be seized by any officer of the customs, and prosecuted as herein after is expressed.

Certain goods, the produce of the *British* plantations, prohibited to be imported into either of the said islands after 1 Sept. 1766,

on forfeiture of the goods and vessel.

V. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful, from and after the said first day of *November*, one thousand seven hundred and sixty six, to export from the said ports in *Dominica* and *Jamaica*, to any foreign colony or plantation in *America*, in any foreign sloop, schooner, or other vessel whatsoever, not having more than one deck, negroes brought into the said ports in *British* built ships navigated according to law, and all manner of goods and merchandizes whatsoever which shall be legally imported into the said ports from *Great Britain* and *Ireland*, and from the *British* colonies or plantations in *America*; except masts, yards, or bowsprits, pitch, tar, turpentine, and tobacco; and also except such iron as shall be brought from the *British* colonies in *America*; any law, custom, or usage, to the contrary in any wise notwithstanding.

Negroes imported into the said islands in *British* ships, may be exported again in foreign one-decked vessels;

as may all *British* commodities legally imported, except such as are here mentioned.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That if there shall be any doubt whether such goods, so intended to be exported, have been legally imported into the said islands of *Dominica* and *Jamaica*; the legality of such importation shall be made appear to the satisfaction of the collector, or other principal officer of the customs, at the port of exportation, by the oath of the exporter or proprietor of such goods, before the same are suffered to be shipped for exportation.

Doubts, with respect to the legality of such importations, to be cleared up by the oath of the exporter, &c.

VII. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, all wool, cotton wool, indico, cochineal, fustic, and all manner of dyeing drugs or woods, drugs used in medicine, hair, furs, hides and skins, pot and pearl ashes, whale fins, and raw silk, of the growth and produce of any foreign colony or plantation, shall, upon the exportation thereof from either of the said islands of *Dominica* or *Jamaica*, be imported directly from thence into

Wool, and other enumerated goods, of foreign growth, upon exportation from either of the said islands, to be imported directly into

Great Great Britain,

under the regulations established by acts 22, and 23, and 23 Car. 2.

Great Britain, under the like securities, penalties, and forfeitures, as are particularly mentioned in two acts of parliament made in the twelfth, and in the twenty second and twenty third years of the reign of King *Charles* the Second, the former intituled, *An act for the encouraging and increasing of shipping and navigation*, and the latter intituled, *An act to prevent the planting of tobacco in England, and for regulating the plantation trade*, or either of them, with respect to the goods in those acts particularly enumerated; any law, custom, or usage, to the contrary notwithstanding.

No goods to be exported from *Dominica* to any part of Europe north of *Cape Finisterre*, except to *Great Britain*; where they are to be landed under the regulations, &c. of act 22 Car. 2.

VIII. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, no goods whatsoever shall or may be exported from the said island of *Dominica* to any part of *Europe* to the northward of *Cape Finisterre*, except to *Great Britain*; and such goods shall be there landed, under the same securities, regulations, and restrictions, and subject to the same penalties and forfeitures, as are mentioned in an act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*; or any subsequent act now in force with respect to the goods in such act particularly enumerated.

Sugar imported into *Dominica* may be exported from thence to any foreign parts of Europe southward of *Cape Finisterre*, under certain regulations.

IX. Provided always, and it is hereby enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, it shall and may be lawful to export, from the said ports before mentioned in the said island of *Dominica*, any sugar which shall have been imported into the same, to any foreign parts of *Europe* to the southward of *Cape Finisterre*, in such vessels only, and under such securities, regulations, and restrictions, and subject to the same penalties and forfeitures, as sugar of the growth and produce of any of the *British* colonies or plantations in *America* may now be exported from such colonies or plantations to such foreign parts; any thing in this act contained to the contrary notwithstanding.

No vessel with goods of the produce of the *West Indies*, (live cattle excepted) may proceed from *Dominica* to any other of the *British West India* islands, except in case of distress; of which report is to be forthwith made to the custom-house officer; nor may take

X. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, it shall not be lawful for any ship or vessel whatsoever, which shall load or take on board at the said island of *Dominica* any goods, being the produce of that part of *America* commonly called *The West Indies* (live cattle excepted) to proceed to any other island in the *West Indies* which now is, or hereafter may be, under the dominion of his Majesty, his heirs, and successors, on any pretence whatsoever (actual distress excepted) in which case the master or other person having command or charge of such ship or vessel shall, in twelve hours after his arrival, report the same, in writing, to the collector, or the chief officer of the customs, together with the name of his vessel, and where bound, and at the same time deliver in to such officer a just and true account of his lading; and shall not, upon any pretence whatsoever, take on board any kind of goods or merchandize (needful provisions for his voyage,

or necessaries for repairs, excepted, for which he shall first obtain a permit from such officer) and in case any such master, or person having charge of such ship or vessel, shall load, or suffer to be loaded, any kind of goods or merchandizes (except as before excepted) or, not being in distress, shall, contrary to the intent of this act, come into any *British* island in the *West Indies*; such ship or vessel, together with all her guns, tackle, furniture, and ammunition, and all goods whatsoever on board of her, shall be forfeited, and shall and may be seized and prosecuted by any officer of his Majesty's customs, in such manner as herein after is expressed.

any goods on board there,
on forfeiture of the vessel and goods.

XI. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, no goods or commodities of the growth, production, or manufacture of *Europe*, or the *East Indies* or other places beyond the *Cape of Good Hope*, shall, upon any pretence whatsoever, be exported from the said island of *Dominica* to any *British* colony or plantation in *America*, on forfeiture of such goods, and the ship or vessel in which the same shall be so exported, with all her guns, tackle, furniture, and ammunition; to be seized by any officer or officers of the customs, and prosecuted in the manner herein after expressed.

No goods of the growth or manufacture of *Europe*, or the *East Indies*, &c. may be exported from *Dominica* to any of the *British American* colonies, on forfeiture of the goods and vessel.

XII. And whereas it is necessary that provision should be made for defraying the expences which may be incurred in carrying into execution the directions and provisions of this act, and for maintaining, securing, and improving, the said ports; therefore we, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, a duty of one pound ten shillings for and upon every negroe which shall be exported in any foreign ship or vessel out of or from the said island of *Jamaica*; and the like duty of one pound ten shillings for and upon every negroe which shall be imported into the said island of *Dominica*; and also the following duties for and upon the goods and merchandizes herein after mentioned, which shall be imported into the said island of *Dominica*; that is to say,

Duty to be paid on exportation of negroes in foreign vessels from *Jamaica*; and upon importation of negroes into *Dominica*: Duties upon other goods imported into *Dominica*.

For every barrel of beef and pork, six pence.

For every firkin of butter, six pence.

For every hundred weight avoirdupois of sugar, six pence.

For every hundred weight avoirdupois of cocoa, two shillings.

For every hundred weight avoirdupois of coffee, six pence.

And after those rates for any greater or lesser quantity of such goods and merchandizes respectively.

XIII. And be it further enacted by the authority aforesaid, That all the said duties shall be deemed and taken to be sterling money sterling mo-

Duties to be deemed as money sterling mo-

ney of Great Britain ;
at the rate of
5 s. 6 d. per
oz. silver.

Application of
the monies
arising by the
said duties.

No other du-
ties to be paid
for goods as
aforesaid im-
ported into
Dominica,
than those be-
fore mention-
ed ;
except upon
melasses and
syrops.

After 1 Jan.
1767, all Ame-
rican goods
imported into
Great Britain
from Domini-
ca,
certificated
rum and su-
gar excepted ;
are made lia-
ble to the same
duties, &c.
as like goods
of the French
colonies.

money of *Great Britain*, and be received to the amount of the value which such nominal sums bear in *Great Britain* ; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver ; and that the said duties shall be raised, levied, collected, paid, and recovered in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as any other duties now payable to his Majesty upon goods imported into, or exported from, the *British* colonies or plantations in *America*, may be respectively raised, levied, collected, paid, and recovered, by any act or acts of parliament now in force ; and that all the monies which shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, and accounting for, the same) shall be applied and disposed of, from time to time, in such manner as his Majesty shall, by any warrant or warrants under his royal sign manual, countersigned by the high treasurer, or any three or more of the commissioners of the treasury for the time being, direct and appoint, for defraying the expences of carrying into execution the purposes of this act, and for maintaining, securing, and improving, the said ports ; and if any overplus shall remain of the monies arising by the said duties, after defraying such expences as aforesaid, the same shall be paid into the receipt of his Majesty's exchequer at *Westminster*, and be there reserved to be, from time to time, disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*.

XIV. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, no duties shall be paid, other than such as are herein before mentioned, for or in respect of any goods the growth or product of any foreign colony or plantation in *America*, which shall be imported into any such port in the said island of *Dominica* (except such duties as have been, or shall be, imposed, by any act of this present session of parliament, upon melasses and syrups imported into any *British* colony or plantation in *America*) any law, custom, or usage, to the contrary notwithstanding.

XV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and sixty seven, all goods and commodities of *American* produce, which shall be imported into *Great Britain* from the said island of *Dominica* (except such quantities of sugar and rum as shall be imported by certificate as herein after mentioned) shall be deemed and taken to be goods and commodities of the growth, produce, or manufacture, of foreign colonies or plantations, and shall be liable to the same duties, regulations, and restrictions, penalties and forfeitures, in all respects, as the like goods of the growth, produce, or manufacture, of any *French* colony or plantation would be liable to by law.

XVI. And it is hereby further enacted by the authority aforesaid,

aforeſaid, That from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſixty ſeven, it ſhall be lawful to import from the ſaid iſland of *Dominica*, in *Britiſh* built veſſels navigated according to law, into *Great Britain*, any ſugar or rum, upon payment of the like duties and cuſtoms as are now payable upon the importation of ſugar and rum reſpectively of the growth, produce, or manufacture, of the *Britiſh* colonies or plantations in *America*; and ſuch goods ſhall, in all other reſpects, be liable to the ſame rules, regulations, and reſtrictions, as *Britiſh* ſugar and rum are now liable to by law; provided the perſon loading ſuch ſugar and rum on board any ſhip or veſſel in the ſaid iſland of *Dominica* ſhall, before the clearing out of the ſame, prove to the ſatisfaction of the collector, or other principal officer of the cuſtoms, at the loading port, that the ſaid goods *bona fide* grew, or were produced and manufactured in the ſaid iſland of *Dominica*, by the oath of the grower, maker, or ſhipper of ſuch goods, or his or their known agent or factor, expreſſing in words at length, and not in figures, the quality of the goods ſo ſhipped, with the number and denomination of the packages; which oath ſhall be adminiſtered by ſuch collector, or other principal officer of the cuſtoms, and ſigned in his preſence by the perſon proving the facts; and the collector, or other principal officer of the cuſtoms, before whom ſuch proof ſhall be made, ſhall thereupon grant to the maſter, or other perſon having the charge of the ſhip or veſſel, a certificate, under his hand and ſeal of office (without fee or reward) of his having received ſuch proof purſuant to the directions of this act; which certificate ſhall expreſs the quality of the goods ſhipped on board ſuch ſhip or veſſel, with the number and denomination of the packages; and upon the arrival of ſuch ſhip or veſſel into any port in this kingdom, the maſter, or other perſon taking the charge or command of ſuch ſhip or veſſel, ſhall, at the time he makes his report of his cargo, deliver the ſaid certificate to the collector, or other principal officer of the cuſtoms, in ſuch port, and make oath before him, that the goods ſo reported are the ſame that are mentioned in the ſaid certificate.

Licence to import certificate
ed rum and
sugar from
Dominica, under
certain
conditions
and regula-
tions.

XVII. And it is hereby further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *November*, one thouſand ſeven hundred and ſixty ſix, no goods or commodities whatſoever of *American* produce, liable to the payment of any duty on importation into any *Britiſh* colony or plantation on the continent of *America*, ſhall be imported there, from the ſaid iſland of *Dominica*, without a certificate, to be produced and proved in the manner before directed, ſpecifying whether ſuch goods are the growth or produce of any foreign or *Britiſh* colony or plantation, on forfeiture of ſuch goods, and the veſſel in which the ſame ſhall be imported; to be ſeized and proſecuted as herein after is directed.

No goods of
American
produce, liable
to duties, to be
imported into
any *Britiſh*
colony from
Dominica,
without a cer-
tificate;
on forfeiture
of the goods
and veſſel.

XVIII. And be it further enacted by the authority aforeſaid, That the monies ariſing by the ſaid duties upon the impor-

Application
of the duties
payable upon

importation of such goods into Great Britain from *Dominica*, as are deemed of French or foreign produce.

importation into this kingdom, from the said ports in the island of *Dominica*, of such goods and merchandizes as are herein before directed to be deemed and taken to be of *French* or foreign produce, shall (except the necessary charges of raising, collecting, recovering, paying, and accounting, for the same) be paid into the receipt of his Majesty's exchequer, and be applied and disposed of to such uses as the duties upon such foreign goods are now applicable unto.

Duties payable upon importation of uncertified goods legally imported from *Dominica*;

viz. upon sugars; upon other goods.

No drawback to be allowed on exportation; Sugars and goods to be warehoused, and to be delivered out, if for exportation, upon certain conditions.

If such sugars or goods be reloaded or unshipped contrary to this act, they are forfeited, with the vessel and carri-

XIX. Provided always, and it is hereby declared and enacted by the authority aforesaid, That the importer or proprietor of any goods or commodities liable to the payment of any duties to his Majesty, his heirs, or successors, which shall be lawfully imported from the said island of *Dominica* into *Great Britain*, after the said first day of *January*, one thousand seven hundred and sixty seven, without any such certificate as is herein before mentioned, shall and may, upon the importation thereof, pay down in ready money to the collector of his Majesty's customs, only three pence *per* hundred weight avoirdupois upon sugars so imported; and only one half of the old subsidy granted by the act of tonnage and poundage, made in the twelfth year of the reign of King *Charles* the Second, upon all other goods; which said respective duties shall not be afterwards drawn back or repaid upon the exportation of such sugars, and other goods; provided the same shall, upon landing, be immediately lodged and secured under the King's locks, in warehouses provided at the sole expence of the importer or proprietor thereof, with the privity and approbation, and under the care and inspection, of the commissioners or principal officers of the customs for the port where such sugars, and other goods, shall be imported, and shall not be delivered out of any such warehouse but upon the following conditions; that is to say, if such sugars, or other goods, or any part thereof, shall be delivered for exportation to foreign parts, the owner or exporter thereof, together with one other sufficient person, shall enter into bond to his Majesty, his heirs, and successors, in treble the amount of the full duties which would be due and payable for such sugars, or other goods, if the same were consumed in this kingdom; with condition that no part of such sugars, and other goods, shall be reloaded in *Great Britain* or *Ireland*, or any of the dominions belonging to the crown of *Great Britain*; which bonds shall be discharged in the same manner as the bonds given for the due exportation of prohibited *East India* goods are discharged by any law now in force.

XX. And, the better to prevent the reloading such sugars, or other goods, be it further enacted by the authority aforesaid, That if any such sugars, or other goods, shall be reloaded or unshipped to be reloaded contrary to this act, the same, together with the boats, lighters, or any other vessels, horses, or other cattle and carriages whatsoever, which may be employed or made use of in the removal, carriage, or conveyance thereof, as also the ship or vessel from which the same shall be unloaded, together with

her furniture and apparel, shall be forfeited, and shall and may be seized by any officer or officers of the customs; and all and every person or persons who shall be assisting, or otherwise concerned in the unshipping or relanding such sugars, or other goods, or to whose hands the same shall knowingly come after the unshipping thereof, shall forfeit treble the value of such sugars and other goods; which said penalties and forfeitures shall and may be prosecuted, sued for, recovered, and divided, in such manner and form, and by such rules and regulations, as penalties and forfeitures inflicted for unshipping prohibited or uncustomed goods in this kingdom may be prosecuted, sued for, recovered, and divided, by any law now in force.

XXI. Provided always, and it is hereby further enacted by the authority aforesaid, That no such sugars, or other goods, shall be shipped, or permitted to be shipped or loaden, for re-exportation from *Great Britain*, on board any ship or vessel of less burthen than seventy tons; to be ascertained by the same rules and dimensions, as the tonnage of ships importing brandy and other spirits into this kingdom is to be ascertained, by an act made in the sixth year of the reign of King *George the First*, intituled, *An act for preventing frauds and abuses in the public revenues of excise, customs, stamp duties, post office, and house money.*

XXII. And it is hereby further enacted by the authority aforesaid, That if any such sugars, or other goods, shall be taken out of any warehouse wherein the same shall be secured as aforesaid, in order to be used in this kingdom; the person or persons, so taking out the same, shall first pay up the remainder of the duties which would have been due and payable upon the importation of the like sugars or other goods, of the growth or production of the *French colonies* or plantations in *America*, into this kingdom; and they shall, in all other respects, be liable to the same restrictions and regulations as such *French sugars* and goods would have been subject and liable to if this act had not been made.

XXIII. Provided always, and it is hereby further enacted, That if such sugars or goods shall not be either exported, or the full duties paid for the same, within twelve calendar months from the importation thereof, but shall then continue and be still remaining in the said warehouses; in such case, it shall and may be lawful for the commissioners of the customs for the time being, or any three or more of them, to cause the said sugars, or other goods, so remaining, to be publickly sold by auction, or inch of candle, to the best bidder; and the money arising by such sale, to be applied first in discharge of the duties, and the expences of such sales; and the overplus, if any, to be paid to the importer or proprietor of such sugars or goods, or other persons authorized to receive the same.

XXIV. And for the better and more effectual preventing the importation of foreign sugars into this kingdom, from the said island of *Dominica*, under pretence that the same are the growth and produce of that island; be it further enacted by the authority aforesaid,

ages employ-
ed therein;
and persons
concerned
forfeit treble
value.

Vessel, on
board which
sugars or
goods shall be
shipped for re-
exportation,
not to be un-
der 70 tons
burthen;
to be ascer-
tained pursu-
ant to act
6 Geo. 1.

If the sugars
or goods be
taken out for
home con-
sumption,
the remainder
of the duties
to be paid, &c.

If they shall
be neither ex-
ported, nor the
full duties
paid, within
a year,
custom-house
may sell the
same;

and apply the
monies in dis-
charge of the
duties and
charge.

Foreign sugars said, That from and after the first day of *November*, one thousand seven hundred and sixty seven, all foreign sugars which imported into said island of *Dominica*, shall, upon landing, be immediately deposited in warehouses, provided as the sole expence of the importer or proprietor thereof, with the privity and approbation, and under the care and inspection of the collector, or other principal officer of the customs, at the port where such sugars shall be landed, and shall be there secured, under the separate locks of such officer and the proprietor, till the same shall be shipped for re-exportation; and before such sugars are delivered out for exportation to *Great Britain*, every cask shall be marked, in such manner as the commissioners of his Majesty's customs in *England* shall think proper to direct, to denote that such sugars are foreign, and have been warehoused: and if any foreign sugars shall, after the said first day of *November*, one thousand seven hundred and sixty seven, be landed in the said island of *Dominica* without being so warehoused, or shall be shipped for exportation to *Great Britain* without being marked in the manner before directed, the same shall be forfeited; and shall and may be seized by any officer of the customs, and prosecuted as herein after is directed.

and before being delivered out for exportation to *Great Britain*, to be marked by the custom-house officers; on forfeiture thereof.

Penalty on officers exacting or taking fees. XXV. And it is hereby further enacted by the authority aforesaid, That no duty of gunpowder, nor any fee or reward whatsoever shall be demanded, taken, or received, by any officer or officers whatsoever, in the said islands of *Dominica* and *Jamaica*, for any entry, cocquet, clearance, or passport, of or for any foreign ship or vessel; or for any goods imported into, or exported from, the said islands, in such foreign ship or vessel, in pursuance of this act, under the like pains and penalties, as are inflicted upon officers exacting and receiving greater fees than are allowed by an act made in the last session of parliament, for more effectually securing and encouraging the trade of his Majesty's *American* dominions, and for other purposes in the said act mentioned.

Recovery and application of penalties and forfeitures in *America*. XXVI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures inflicted by this act, which shall be incurred in *America*, shall and may be prosecuted, sued for, recovered, and divided there, in the same manner and form, by the same rules and regulations, in all respects, as any other forfeitures or penalties inflicted by any other act of parliament for offences against the laws relating to the customs or trade of his Majesty's colonies, may, by any act or acts of parliament now in force, be prosecuted, sued for, recovered, and divided.

Act to continue in force to 1 Nov. 1773. XXVII. And it is hereby further enacted and declared, That this act shall continue in force, to the first day of *November*, one thousand seven hundred and seventy three, and from thence to the end of the then next session of parliament.

CAP. L.

An act for allowing the conveyance, from the ports of Southampton and Portsmouth to the port of Cowes in the isle of Wight, of goods not liable to duty on exportation, or prohibited to be exported, and of sheep and cattle between the said ports, without cocquets being taken, or bonds entered inso for that purpose; and for extending an act made in the twenty ninth year of the reign of King Charles the Second, for taking affidavits in the country, to be made use of in the courts of King's Bench, Common Pleas, and Exchequer, to the isle of Man; and for appointing ports and places for shipping and landing goods in the said island.

WHEREAS by an act made in the fourteenth year of the Preamble.

reign of King Charles the Second, intituled, An act for preventing frauds and regulating abuses in his Majesty's customs, and other laws now in force, no goods, wares, or merchandizes, can be shipped or put on board to be carried forth to the open sea, from any port, creek, or member in Great Britain, to be landed at any other place of this realm, without a sufferance or warrant from the officers of the customs, and a cocquet taken out for such goods, and a bond entered into for the due delivery and discharge thereof: and whereas the taking out such cocquets, and entering into such bonds, for goods that are not prohibited to be exported, nor liable to any duties upon exportation, which are shipped at the ports of Southampton and Portsmouth to be carried to the isle of Wight, and for live cattle sent to and from the said island, is attended with great trouble and expence to the inhabitants and traders of the said island, and the farmers and graziers in the county of Southampton: therefore to remedy this inconvenience for the future, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and sixty six, no cocquet or bond shall be required by any officer or officers of the customs, or others, from the master or owner of any hoy, vessel, or boat, or any other person, for carrying or conveying any kind of goods, wares, or merchandizes, from the said ports of Southampton and Portsmouth to the port of Cowes in the isle of Wight, which are or shall not be prohibited to be exported from Great Britain to foreign parts, nor liable to any custom or duty to his Majesty, his heirs, or successors, on the exportation thereof; nor shall any such cocquet or bond be required for carrying or conveying sheep, provided the same be carried in open boats or hoys, nor any other kind of live cattle (horses and lambs excepted) between the said port of Cowes and the said ports of Southampton and Portsmouth, or either of them; any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

From and after 1 July, 1766, liberty given of conveying from the ports of Southampton and Portsmouth to the port of Cowes in the isle of Wight, goods not liable to duty on exportation, or prohibited to be exported; and of sheep and cattle, without cocquets taken, or bond entered into for the purpose.

Clause in act
5 Geo. 2.

II. *And whereas by an act made in the last session of parliament, intituled, An act for more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the isle of Man, it is, amongst other things, enacted, That the several offences therein described may be enquired of, examined, heard, and determined, in any county within this kingdom, in such manner and form, and by the same rules, regulations, and restrictions, as if the same offences had been therein committed: and whereas it is necessary, in order to carry the intention of the said act into effectual execution, that some proper person or persons resident in the isle of Man should be empowered to take affidavits in the said island, concerning causes or other matters which may be depending, or do in any wise relate to any proceedings which may be had in pursuance of the said act, in any of the courts in Great Britain; be it therefore further enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and sixty six, an act made in the twenty ninth year of the reign of King Charles the Second, intituled, An act for taking affidavits in the country to be made use of in the courts of King's Bench, Common Pleas, and Exchequer, and all the powers therein contained, shall extend, and the same is and are hereby declared to extend, to the isle of Man, in as full and ample manner, to all intents and purposes, as if the said isle of Man had been expressly named in the said last recited act of parliament; any law, custom, or usage, to the contrary notwithstanding.*

Powers granted by act 29 Car. 2. for taking affidavits, &c.

extended to the isle of Man.

III. *And whereas the ascertaining the ports, members, and creeks in the isle of Man, where goods and merchandizes may be exported and imported, and the several quays, wharfs, and other places, where the same may be laden or put on board any ship or vessel for transportation, or unladen or unshipped upon importation, may tend greatly to the increasing of his Majesty's revenues of customs and excise, and to the benefit of the fair traders of this kingdom and Ireland; be it therefore enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and sixty six, the King's majesty, his heirs and successors, shall and may, from time to time, by commission or commissions from the court of Exchequer in England, assign and appoint all such ports, members, creeks, and places, in the said isle of Man, as shall be lawful for the landing, discharging, lading, or shipping of any goods, wares, or merchandizes, into or from the said isle of Man; and by virtue thereof to set down and appoint the extents, bounds, and limits of every such port, member, creek, quay, wharf, or place, in the said island; after which appointment so made, all goods, wares, and merchandizes whatsoever, imported into, exported from, or carried coastwise on the said island, shall be landed and discharged, laden and shipped, at such ports, members, creeks, quays, wharfs, and places, in the like manner, and under the like pains, penalties, and forfeitures, as are mentioned in an act made in the fourteenth year of the reign of King Charles the Second, intituled, An act for prevent-*

Power given to appoint ports and places for shipping and landing goods in the isle of Man;

to be under the regulations, penalties, and for-

ing frauds, and regulating abuses, in his Majesty's customs, or in any other act of parliament in force in Great Britain, with respect to goods, wares, and merchandizes, landed and discharged, shipped and laden, in this kingdom; to be sued for, prosecuted, and divided, in like manner as other penalties and forfeitures incurred in the said isle of Man may be sued for, prosecuted, and divided, by virtue of an act made in the last session of parliament, intituled, *An act for more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the isle of Man.*

feitures, mentioned in act 14 Car. 2. &c.

Penalties to be sued for, &c. as by act 5 Geo. 3. is directed.

C A P. L I.

An act for indemnifying persons who have incurred certain penalties inflicted by an act of the last session of parliament, for granting certain stamp duties in the British colonies and plantations in America; and for making valid all instruments executed or enrolled there on unstamped paper, vellum, or parchment.

WHEREAS by an act made in the last session of parliament, intituled, *An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing, the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned; certain stamp duties were granted throughout the colonies and plantations in America, which then were, or thereafter might be, under the dominion of his Majesty, his heirs, and successors; which said stamp duties were to take place from and after the first day of November, one thousand seven hundred and sixty five: and whereas by another act made in this present session of parliament, intituled, *An act to repeal an act made in the last session of parliament, intituled, An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing, the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned; the said first mentioned act was repealed, from and after the first day of June, one thousand seven hundred and sixty six: and whereas it may have happened, since the passing of the said first mentioned act, that persons residing in, or resorting to, the said colonies or plantations, may not have been able to procure paper, vellum, or parchment, duly stamped, as required by the said act; and that such persons, for want of the same, and other persons residing elsewhere by reason thereof, may have committed many offences, contrary to the directions, and true intent and meaning, of the said act; or may have neglected to do what by**

Preamble, relating clauses in act 5 Geo. 3.

and 6 Geo. 3.

Indemnification granted for all offences and neglects against the recited act of 5 Geo. 3. not being felony;

where final judgement shall not have been given.

the said act is required; whereby such persons have incurred several penalties and forfeitures by the said act inflicted: therefore, for quieting the minds of his Majesty's subjects, and for preventing any inconveniencies that might otherwise happen; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons whatsoever, who have committed any offence or offences (not being felony) contrary to the directions, and true intent and meaning, of the said act, or have neglected to do any matter or thing required by the said act, shall be, and he, she, and they, is and are indemnified from all penalties and forfeitures which he, she, or they, may have incurred for such offence or offences, (not being felony) neglect or neglects, where final judgement shall not have been given.

II. *And whereas it was, by the said first mentioned act, enacted, That no matter or thing whatsoever, by the said act charged with the payment of a duty, should be pleaded or given in evidence, or admitted, within the said colonies and plantations, to be good, useful, or available, in law or equity, unless the same should be marked or stamped, in pursuance of the said act, with the respective duty thereby charged, or with an higher duty: and whereas it may have happened that many deeds, instruments, and other matters and things, by reason that stamped paper, vellum, or parchment, was not to be procured, may have been signed, sealed, or otherways executed, entered, or inrolled, in the said colonies and plantations, upon unstamped paper, vellum, or parchment, and by reason thereof, cannot be pleaded or given in evidence, or admitted to be good, useful, or available, in law or equity: and whereas by the said act being repealed, there remains no provision for making the said deeds, instruments, matters, and things, pleadable, or to be given in evidence, or admissible as good, useful, or available, in law or equity, which may be attended with many inconveniencies; be it therefore enacted by the authority aforesaid, That all and every deed, instrument, or other matter or thing, signed, sealed, or otherways executed, entered, or inrolled, in the said colonies and plantations, during the continuance of the said act, upon unstamped paper, vellum, or parchment, shall and may, from and after the passing of this act, be admitted and allowed in evidence in any court whatsoever; and shall be as valid and effectual as if the proper stamps had been impressed thereon at the time of the signing, sealing, or other execution, or entry or inrollment thereof; any thing in the said act to the contrary notwithstanding.*

All deeds and instruments, &c. executed, entered, or inrolled, in the said colonies, during the continuance of the recited act, upon unstamped paper, &c. are declared to be valid and effectual.

C A P. LII.

An act for repealing certain duties, in the British colonies and plantations, granted by several acts of parliament; and also the duties imposed by an act made in the last session of parliament upon certain East India goods exported from Great Britain; and for granting other duties instead thereof; and for further encouraging, regulating, and securing, several branches of the trade of this kingdom, and the British dominions in America.

WHEREAS the several duties herein after mentioned, imposed by certain acts of parliament to be raised in the British colonies and plantations in America, have been attended with great inconveniencies to the trade of his Majesty's dominions; and it is therefore necessary that the same should be discontinued, and that other duties should be granted in lieu thereof: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the duties imposed by any act or acts of parliament upon melasses or syrups of the growth, product, or manufacture, of any foreign American colony or plantation, imported into any British colony or plantation in America; and also the duties imposed by an act made in the twenty fifth year of the reign of King Charles the Second (for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade) upon sugar, of the growth, production, and manufacture, of the British plantations in America, which should be laden there; and also the duties imposed by an act made in the fourth year of the reign of his present Majesty for granting certain duties in the British colonies and plantations in America, and for other purposes in the said act mentioned, upon coffee and pimento, of the growth and produce of any British colony or plantation in America, which should be shipped to be carried out from thence, except to Great Britain, shall, from and after the first day of November, one thousand seven hundred and sixty six, cease, determine, and be no longer paid.

Preamble.

Repeal of certain duties in America, upon foreign melasses or syrups;

British sugar;

and upon British coffee and pimento;

II. And be it further enacted by the authority aforesaid, That the several duties imposed by the last mentioned act upon wrought silks, bengalls, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, and upon callicoes painted, dyed, printed, or stained there, and upon foreign linen cloth, called Cambrick, and upon French lawns, imported into any British colony or plantation in America, from Great Britain, shall, from and after the first day of October, one thousand seven hundred and sixty six, cease, determine, and be no longer paid.

and upon certain East India goods, cambricks and French lawns, exported from Great Britain;

III. And be it further enacted by the authority aforesaid,

and upon
coals; and
certain East
India goods,
&c.

That the duties imposed by an act made in the last session of parliament, for granting to his Majesty certain duties upon coals; and of several *East India* goods, and for other purposes in the said act mentioned, upon all wrought silks, bengalls, and stuffs mixed with silk or herba, of the manufacture of *Persia*, *China*, or *East India*, and upon callicoos printed, dyed, painted, or stained there, which shall be shipped for exportation from *Great Britain* to any part beyond the seas, except to *Africa*, or the *British* dominions in *America*, shall, from and after the first day

Duties to cease
on 1 Aug. 1766.

of *August*, one thousand seven hundred and sixty six, cease, determine, and be no longer paid; and from thenceforth so much of the last recited act as directs, that upon the entry of any *East India* goods herein before mentioned for exportation to the *British* dominions in *America*, the bond for the due exportation of such goods shall be with further condition, that the same shall be there landed accordingly, and not in any other port or place beyond the seas; and to produce a certificate within eighteen months under the hands and seals of the collector, or other principal officer of the customs residing at the port or place in the *British* dominions in *America*, for such of the said goods as shall be landed there, testifying the landing thereof, shall be, and the same is hereby declared to be repealed.

And from and
after 1 Nov.
1766. the fol-
lowing duties
are to take
place in lieu
of those re-
pealed; viz.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, the several and respective rates and duties herein after mention- ed; that is to say,

on melasses
and syrups,

For every gallon (wine-measure) of melasses and syrups, which shall be imported or brought (except as is herein after mentioned) into any colony or plantation in *America*, which now is, or hereafter may be, under the dominion of his Majesty, his heirs, and successors, one penny.

Coffee,

For every hundred weight avoirdupois of coffee, of the growth and produce of any *British* colony or plantation in *America*, which shall be imported or brought from thence into any other *British* colony or plantation in *America*, seven shillings.

and pimento.

And for every pound weight avoirdupois of such *British* pimento, which shall, in like manner, be imported or brought into any such *British* colony or plantation, one halfpenny; except only such *British* coffee and pimento as shall be warehoused under the regulations and restrictions herein after mentioned; and after those rates for any greater or less quantity of such goods respectively.

Certified me-
lasses and sy-
rups from Do-
minica not
chargeable.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That the duty herein before granted upon melasses or syrups, shall not be charged or payable upon any melasses or syrups imported into any *British* colony or plantation on the continent of *America* from the island of *Dominica*,

for which a certificate shall be produced upon the importation thereof, to the collector or other principal officer of the customs at the port of importation, under the hand and seal of office of the collector, or other principal officer of the customs at the port of exportation in *Dominica*, certifying that the said duty hath been there paid for such melasses or syrups; any thing herein before contained to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and sixty six, there shall be also raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for and upon all wrought silks, bengalls, and stuffs mixed with silk or herba of the manufacture of *Persia*, *China*, or *East India*; and upon all callicoes printed, dyed, painted, or stained there, which shall have been publickly sold in *Great Britain* on or before the first day of *June*, one thousand seven hundred and sixty six; except for such of the aforesaid goods as shall be exported to *Africa*, as herein after mentioned; a further and additional subsidy of twelve pence for every twenty shillings of the true and real value of such goods, to be ascertained by the oath or affirmation of the owner or proprietor thereof, before the collector of his Majesty's customs for the port where such goods shall be warehoused; provided the said subsidy shall be paid down to such collector in ready money, without any deduction or allowance whatsoever, on or before the first day of *September*, one thousand seven hundred and sixty six; but if the owner or proprietor of such goods shall not chuse to pay down the said subsidy for such goods before that time, then the same shall be paid down in ready money to the collector of the customs for the port where such goods shall be secured, according to the gross price or value of such goods at which the same were sold at the publick legal sales thereof in this kingdom, without any deduction or allowance whatsoever, before such goods shall be taken out of any warehouse wherein the same shall be secured in this kingdom.

VII. Provided always, and it is hereby enacted and declared, That this act shall not extend to charge such of the before mentioned goods with this duty, which have been sold as aforesaid before the said first day of *June*, one thousand seven hundred and sixty six, as shall be hereafter exported from this kingdom to *Africa*.

VIII. And it is hereby further enacted by the authority aforesaid, That there shall be also raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for and upon all wrought silks, bengalls, and stuffs mixed with silk or herba of the manufacture of *Persia*, *China*, or *East India*, and upon all callicoes printed, dyed, painted, or stained there, which shall be publickly sold in *Great Britain* after the said first day of *June*, one thousand seven hundred and sixty six, over and above any other duty now payable for the same, the like sum of twelve pence for every twenty shillings of the true and real value of

to be paid by
the India com-
pany ;

pursuant to
act 2 & 3 An.

Duty at other
sales to be
paid by the
proprietor.

Drawback al-
lowed upon
exportation
of certain In-
dia goods to
Africa.

Enumeration
of the said
goods.

The said
goods to be
subject to the
usual regula-
tions.

Duties upon
cambricks and

such goods, according to the gross price at which the same shall be sold at the public legal sales thereof in this kingdom ; which said subsidy shall be paid and secured by the united company of merchants of *England* trading to the *East Indies* for such of the said goods as shall be so sold at the said company's sales, in the same manner and form, and by the same rules and regulations, as the duties now payable upon unrated *East India* goods are paid and secured by the said united company, by virtue of an act made in the second and third years of the reign of Queen *Anne*, intituled, *An act for granting to her Majesty an additional subsidy of tonnage and poundage for three years ; and for laying a further duty upon French wines condemned as lawful prize ; and for ascertaining the values of unrated goods imported from the East Indies :* and for such of the said goods as shall, after the said first day of *June*, be sold at any other public legal sale in this kingdom, the said subsidy shall be paid down in ready money to the collector of the customs at the port where such goods shall be sold, without any deduction or allowance whatsoever by the purchaser or proprietor of such goods ; and the said subsidy shall not be afterwards repaid or drawn back upon the exportation of the same goods, except to *Africa*, as is herein after mentioned.

IX. Provided always, and it is hereby further enacted by the authority aforesaid, That for such of the said goods herein after mentioned, and no other, which shall be sold as aforesaid at the sales of the said united company, after the said first day of *June*, one thousand seven hundred and sixty six, and shall be exported from this kingdom to *Africa*, the exporter shall be repaid a drawback or allowance of the duty paid in pursuance of this act, of twelve pence for every twenty shillings of the value of such goods according to the respective rates and values herein after expressed ; that is to say,

Alleijars, the piece, twelve shillings ; bejutapants, the piece, twenty shillings ; byrampants, the piece, fifteen shillings ; blue long cloth, the piece, forty shillings ; browles, the piece, four shillings ; callaway pores, the piece, fifteen shillings ; cush-taes, the piece, twelve shillings ; coopes, the piece, twelve shillings ; chints, the piece, fifteen shillings ; chelloes, the piece, sixteen shillings ; cotton romals, the piece, ten shillings ; *Guinea* stuffs, the piece, four shillings ; nicamees small, the piece, twelve shillings ; nicamees large, the piece, sixteen shillings ; neganepants, the piece, twenty shillings ; photaes, the piece, fifteen shillings ; saitra gundies, the piece, twenty shillings ; tapcails, the piece, sixteen shillings.

And such goods shall, in all other respects, be liable to the same securities, regulations, restrictions, penalties, and forfeitures, as the same goods are now liable to by law.

X. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty six, there shall be also raised, levied, collect-

ed, and paid, unto his Majesty, his heirs, and successors, for and upon every piece of foreign linen cloth called *cambrick*, three shillings; and for and upon every piece of *French lawns*, three shillings; which shall be respectively shipped for exportation from *Great Britain* to any colony or plantation in *America*, that now is, or hereafter may be, under the dominion of his Majesty, his heirs, and successors; which said duties shall be also paid down in ready money to the collector of the customs, without any allowance or deduction whatsoever, by the owner or proprietor of such goods, before the same shall be taken out of any warehouse or warehouses, wherein the same shall be secured in this kingdom.

French lawns
exported to
America.

XI. And it is hereby declared and enacted, That every piece of *cambrick* and *French lawns* intended to be charged with the duty herein before mentioned, shall contain thirteen ells each, and shall pay duty for the same in that proportion for any greater or less quantity, according to the sum herein before charged upon each piece of such goods respectively.

How the said
duties are to
be ascertained.

XII. And it is hereby further enacted by the authority aforesaid, That the aforesaid rates and duties charged by this act upon *melasses* and *syrops*, *coffee* and *pimento*, imported into any *British American* colony or plantation, shall be deemed and taken to be sterling money of *Great Britain*, and be received to the amount of the value which such nominal sums bear in *Great Britain*; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver: and that the said rates and duties shall be raised, levied, and collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as any other duties now payable to his Majesty upon goods imported into the said colonies or plantations, are or may be raised, levied, collected, paid, and recovered, by any act or acts of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present act: and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for, the same) shall be paid into the receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs, or successors, and shall be there reserved to be from time to time disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*.

Duties on
melasses and
syrops, to be
taken as ster-
ling money

at 5s. 6 d. per
oz. in silver.
Method of lev-
ying and re-
covering the
said duties.

Duties to be
paid into the
exchequer,
and reserved
for the future
disposition of
parliament.

XIII. And it is hereby further enacted by the authority aforesaid, That the monies arising by the several rates and duties by this act imposed upon wrought silks, bengalls, and stuffs mixed with silk or herba, of the manufacture of *Persia*, *China*, or *East India*, and upon callicoes printed, dyed, painted, or

Duties on East
India goods to
be paid into
the exchequer,

and carried into the sinking fund, towards paying annuities in respect of navy bills, &c.

Condition of bonds upon exportation of cambricks, or French lawns, to places beyond seas, other than the British plantations.

No duty to be paid for British coffee, or pimento, imported after 1 Nov. 1766, into any British American colony, provided the same be warehoused,

and shipped for exportation within 12 months;

nor for any foreign sugars, coffee, or indico;

provided the same be warehoused,

and shipped for exportation within 12 months, under the conditions and regulations here expressed.

stained there, except the necessary charges of raising, collecting, recovering, paying, and accounting for, the same; shall, from time to time, be paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenue; and shall be carried to, and made part of, the fund commonly called *The sinking fund*, towards making good the annuities payable in respect of certain navy, victualling, and transport bills, charged upon the said fund by an act made in the last session of parliament.

XIV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and sixty six, upon the entry of any cambricks or *French* lawns for exportation to any place beyond the seas, except to some *British* colony or plantation in *America*, the bond which is now by law required to be given for the due exportation of such goods shall be, with further condition not to reland the same in any part of the *British* dominions in *America*.

XV. Provided always, and it is hereby enacted and declared by the authority aforesaid, That no duty whatsoever shall be paid for any *British* coffee or pimento, which, from and after the said first day of *November*, one thousand seven hundred and sixty six, shall be imported or brought into any *British* colony or plantation in *America*; provided the same shall, upon landing thereof, be immediately deposited in warehouses provided at the sole expence of the importer or proprietor of such coffee and pimento, with the privity and approbation, and under the care and inspection, of the collector and comptroller, or other principal officer of the customs, at the port or place where such goods shall be imported, and shall be secured under the separate locks of such officers, and the proprietor; and shall, within the space of twelve calendar months from the landing and warehousing the same, be shipped directly from thence for exportation, either to *Great Britain*, or to some other *British* colony or plantation in *America*, under the like securities and restrictions as are now required by law for the same.

XVI. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, no duty whatsoever shall be paid for any foreign sugars, nor for any foreign coffee or indico, which, from and after the said first day of *November*, one thousand seven hundred and sixty six, shall be imported or brought into any *British* colony or plantation on the continent of *America*; provided such goods shall, upon landing thereof, be immediately deposited and secured in such warehouses, and in the manner herein before mentioned; and shall, within the space of twelve calendar months from the landing and warehousing the same, be shipped from thence for exportation, as herein after is expressed; that is to say, Upon condition that such sugars shall be exported either directly to *Great Britain*, or to some other part of *Europe* to the southward of *Cape Finislarre*, under the like securities, regulations, and restrictions, penalties,

and

and forfeitures, as *British* sugars may be so carried and exported from any *British* colony or plantation in *America*, by virtue of any law now in force; and provided also, that such foreign indico shall be exported to *Great Britain* only under the like securities, regulations, and restrictions, penalties, and forfeitures, as are particularly mentioned and expressed in any act of parliament now in force, with respect to indico of the growth or produce of any *British* colony or plantation; and provided that, before such foreign coffee shall be taken out of such warehouse for exportation, the exporter shall become bound with sufficient security in the penalty of five pounds for every hundred weight of such coffee, that the same, and every part thereof, shall be really and truly exported, according to the entry, and not brought back again or reloaded in any part of the *British* dominions in *America*; which bond the collector and comptroller, or other principal officers of the customs at the port from whence such foreign coffee shall be intended to be exported, are hereby authorized and required to take, in the name, and to the use, of his Majesty, his heirs, and successors; and the said bond, with respect to such coffee as shall be exported to *Great Britain*, *Ireland*, or to any other place under the dominion of his Majesty, his heirs, or successors, where custom-house officers are or may be established, shall be with further condition, to return a certificate within eighteen calendar months from the date of such bond from the collector and comptroller, or other principal officer of the customs, at such port or place, that such coffee has been there landed accordingly; and with respect to such coffee as shall be exported to any place not under the dominion of his Majesty, or where no such officers are appointed, such bond shall continue in force for two years from the date thereof; and in case no fraud shall appear within that time, it shall be lawful for the commissioners of his Majesty's customs in *England*, or any four or more of them, to direct the said bond to be cancelled and delivered up.

Condition of
the bonds to
be given in
these cases.

XVII. And it is hereby further enacted, That if the importer or proprietor of any such goods as shall be warehoused as aforesaid, shall not pay the duties due for the same, nor export such goods within twelve calendar months as aforesaid, it shall be lawful for the collector and comptroller, or other principal officer of the customs, at the port or place where such goods shall be secured, to cause the same to be publickly sold to the best advantage; and the money arising by such sale shall be, in the first place, applied in discharge of the duties due and payable for such goods, and the charges attending the expence of such sale; and the surplus of the money so arising by such sale (if any) after payment of the said duties, and charges, shall be paid to the importer or proprietor who so landed and warehoused such goods, or to such other person as shall be duly authorized to receive the same.

If such warehoused goods shall not be exported within 12 months, nor the duties paid; the custom-house may sell the same; and apply the monies in discharge of the duties and charges, &c.

XVIII. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, Licence given to import duty-free, cotton

wool, or indico, of foreign produce into the British West Indies, in ships navigated according to law.

one thousand seven hundred and sixty six, it shall and may be lawful for any person or persons to import any cotton wool, or indico, of foreign produce or manufacture, into any *British* island in that part of *America* commonly called the *West Indies*, in any ship or vessel that may lawfully trade to and from the said *British* islands, navigated according to law, without payment of any duty or other imposition whatsoever for such goods; any law, custom, or usage, to the contrary notwithstanding.

No duty to be paid in America, on exportation from thence of any cotton wool.

XIX. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty six, no duty or other imposition whatsoever shall be paid, in any *British* colony or plantation in *America*, for any sort of cotton wool, exported from thence; any law, custom, or usage, to the contrary notwithstanding.

Licence given, from and after 1 July, 1766, to import into Great Britain, in British built ships, &c. any cotton wool duty-free.

XX. And be it further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty six, it shall and may be lawful to and for any person or persons to import and bring into *Great Britain*, in *British* built ships or vessels navigated according to law, from any port or place whatsoever, any sort of cotton wool, without paying any subsidy, custom, or other duty, whatsoever, for the same; any law, custom, or usage, to the contrary notwithstanding.

Entry to be made at the port of importation of such cotton wool and indico; and the goods to be landed in presence of the officer; otherwise to pay the accustomed duties.

XXI. Provided nevertheless, and it is hereby further enacted, That a due entry of such cotton wool, and *Indico*, shall be made in the respective custom-house belonging to the port where such goods shall be imported, either in the *West Indies*, or *Great Britain*, in the same manner and form, and expressing the quantities thereof, as was used and practised before the making of this act; and the said goods shall be landed in the presence of the proper officer appointed for that purpose; otherwise such goods shall be liable to the payment of the same duties, as would have been due and payable for the same if this act had not been made.

No duty to be paid for any British coffee;

nor for any foreign coffee, warehoused in America, imported from thence directly into Great Britain;

XXII. And, in order to promote and encourage the growth of coffee and cocoa nuts in the British dominions in America, and the importation of such goods into Great Britain, to be exported from thence into foreign parts; and to ease the merchants and dealers therein from the difficulty of paying the full duties for the same when imported for that purpose; be it further enacted by the authority aforesaid, That from and after the said first day of *July*, one thousand seven hundred and sixty six, no duty or custom shall be paid for any coffee of the growth or produce of any *British* colony or plantation in *America*, nor for any foreign coffee which shall have been warehoused upon the continent of *America*, which shall be imported directly from such places respectively into *Great Britain*, in the manner required by this or any act now in force, nor for any *British* or foreign cocoa nuts imported into *Great Britain*, other than one half of the old subsidy granted by the

the act of tonnage and poundage, made in the twelfth year of King *Charles* the Second, which shall be paid down in ready money, and shall not be afterwards drawn back or repaid upon the exportation of the same goods; provided such coffee and cocoa nuts shall, immediately upon landing, be secured in warehouses, pursuant to the directions of an act made in the tenth year of the reign of King *George* the First, for repealing certain duties therein mentioned payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste imported, and for granting certain inland duties in lieu thereof, and for other purposes in the said act mentioned; and such coffee and cocoa nuts so warehoused shall, in all other respects, be subject to the like duties, restrictions, and regulations, if taken out for home consumption; and to the like securities, regulations, and restrictions, if taken out for exportation, as coffee and cocoa nuts warehoused in pursuance of that act are liable to by any law now in force.

XXIII. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and sixty seven, all sugars which shall be imported into *Great Britain*, from any part of the *British* colonies or plantations on the continent of *America*, shall be deemed and taken to be *French* sugars; and the importer or proprietor shall, upon the importation thereof, pay down in ready money, to the collector of his Majesty's customs, only three pence *per* hundred weight avoirdupois for such sugars, which shall not be afterwards drawn back or repaid upon the exportation of the same goods; provided such sugars shall, upon landing, be immediately lodged and secured under the King's locks, in warehouses provided at the sole expence of the importer or proprietor of such goods, with the privity and approbation, and under the care and inspection, of the commissioners or principal officers of the customs for the port where such goods shall be imported; and shall not be delivered out of any such warehouse but upon the following conditions; that is to say, if such sugars, or any part thereof, shall be delivered for exportation to foreign parts, the owner or exporter thereof, together with one other sufficient person, shall enter into bond to his Majesty, his heirs, and successors, in treble the amount of the full duties which would be due and payable for such sugars if the same were consumed in this kingdom, with condition that no part of such sugar shall be reloaded in *Great Britain* or *Ireland*, or any of the dominions belonging to the crown of *Great Britain*; which bonds shall be discharged in the same manner as the bonds given for the due exportation of prohibited *East India* goods are discharged by any law now in force.

XXIV. And, the better to prevent the reloading such sugars, be it further enacted by the authority aforesaid, That if any such goods shall be reloaded, or unshipped to be reloaded, contrary to this act, the same, together with the boats, lighters, or any other vessels, horses, carts, or other cattle or carriages, which may be employed or made use of in the removal, carriage, or

nor for cocoa nuts imported, more than half the old subsidy; provided such coffee and cocoa nuts be warehoused upon landing, and be subject, on being taken out, to the duties and regulations established by act 10 Geo. 1.

From and after 1 Jan. 1767, sugars imported from the British colonies in America, are to be considered as French, and to pay a duty of 3d. per cwt. and to be warehoused upon landings and not delivered out for exportation but upon certain conditions.

If any such sugars shall be reloaded, or unshipped to be reloaded, contrary to this act, they are liable to

forfeiture, together with vessel, horses, and carriages;

and the persons assisting, &c. forfeit also treble value.

Vessels, in which such sugars shall be loaded for exportation, not to be under 70 tons.

Sugars taken out for home consumption are to pay the full duties, &c.

If the sugars shall remain warehoused without being exported, nor the full duties paid within 12 months,

the custom-house may make sale thereof, and apply the monies in discharge of the duties upon cambricks and French lawns,

conveyance, of such goods, as also the ship or vessel from which such sugar shall be unloaded, together with her furniture and apparel, shall be forfeited, and shall and may be seized by any officer or officers of the customs; and all and every person or persons who shall be assisting, or otherwise concerned in the unshipping or relanding such goods, or to whose hands the same shall knowingly come after the unshipping thereof, shall forfeit treble the value of such goods; which said penalties and forfeitures shall and may be prosecuted, sued for, recovered, and divided, in such manner and form, and by such rules and regulations, as penalties and forfeitures inflicted for unshipping prohibited or uncustomed goods in this kingdom may be prosecuted, sued for, recovered, and divided, by any law now in force.

XXV. Provided always, and it is hereby further enacted by the authority aforesaid, That no such sugars shall be shipped, or permitted to be shipped or loaden for re-exportation from *Great Britain*, on board any ship or vessel of less burden than seventy tons, to be ascertained by the same rules and dimensions as the tonnage of ships importing brandy and other spirits into this kingdom is to be ascertained, by an act made in the sixth year of the reign of King *George* the First, for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post office, and house money.

XXVI. And it is hereby further enacted by the authority aforesaid, That if any such sugars shall be taken out of any warehouse, wherein the same shall be secured as aforesaid, in order to be used in this kingdom; the person or persons so taking out the same, shall first pay up the remainder of the duties which would have been due and payable upon the importation of *French* sugars into this kingdom; and they shall, in all other respects, be liable to the same restrictions and regulations, as *French* sugars would have been subject and liable to, if this act had not been made.

XXVII. Provided always, and it is hereby further enacted, That if such sugars shall not be either exported, or the full duties paid for the same, within twelve calendar months from the importation thereof, but shall then continue and be still remaining in the said warehouses; in such case, it shall and may be lawful for the commissioners of the customs for the time being, or any three or more of them, to cause the said goods so remaining, to be publickly sold, by auction or inch of candle, to the best bidder; and the money arising by such sale to be applied first in discharge of the said duties and the expences of such sales, and the overplus (if any) to be paid to the importer or proprietor of such goods, or other persons authorized to receive the same.

XXVIII. And be it further enacted by the authority aforesaid, That the monies arising by the said duties by this act imposed upon cambricks and *French* lawns; and also by such part of

of the duties hereby also imposed upon sugars imported from any *British* colony or plantation on the continent of *America*, as shall exceed the duties now payable upon sugars so imported (except the necessary charges of raising, collecting, recovering, paying, and accounting for the same) shall be, from time to time, paid into the receipt of his Majesty's exchequer distinctly and apart from all other branches of the publick revenue, and be reserved in the said receipt for the disposition of parliament.

and the additional duties upon sugars, to be paid into the exchequer, distinct from all other duties; and reserved for the disposition of parliament.

XXIX. *And whereas by the herein before recited act made in the fourth year of the reign of his present Majesty, it is, amongst other things, enacted, That before any melasses or syrups shall be laden on board any ship or vessel in any of the British colonies or plantations in America, as of the growth or product thereof, proof shall be made where such melasses or syrups grew or were produced and manufactured in the manner directed by the said act: and whereas by the said recited act, and by another act made in the last session of parliament, for more effectually securing and encouraging the trade of his Majesty's American dominions, and for other purposes in the said act mentioned, it is, amongst other things, enacted, That for every ship or vessel that shall set sail from any of the said British colonies or plantations in America, bond and security shall be given, with condition, that in case any foreign melasses or syrups shall be laden on board such ship or vessel, the same shall be brought to some of his Majesty's colonies or plantations in America, or to Great Britain, under the penalties and forfeitures in the said acts expressed: and whereas the duty upon foreign melasses or syrups imported into the British colonies in America are now reduced; and all melasses and syrups, British as well as foreign, are made subject to the same duty; be it therefore enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred and sixty six, so much of the said recited acts as relate to any proof or certificate with respect to the growth, produce, or manufacture, of British melasses or syrups, or any bond to be entered into with respect to foreign melasses or syrups, shall be, and the same is hereby declared to be, repealed.*

Clauses in act 4 Geo. 3.

and 5 Geo. 3

From and after 1 Nov. 1766, so much of the recited acts as relate to any proof or certificate respecting British melasses, or syrups, or bond with respect to foreign melasses and syrups, is repealed.

XXX. *And whereas by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act for encouraging and increasing of shipping and navigation, and several subsequent acts of parliament which are now in force, it is, amongst other things, enacted, That for every ship or vessel which shall load any commodities, in those acts particularly enumerated, at any British plantation, being the growth, product or manufacture thereof, bonds shall be given, with one surety, to the value of one thousand pounds if the ship be of less burthen than one hundred tons, and of the sum of two thousand pounds if the ship be of greater burthen, that the same commodities shall be brought by such ship or vessel to some other British plantation, or to some port in Great Britain: now, in order more effectually to prevent such goods being privately carried from any British colony or plantation in America*

Clause in act 12 Car. 2.

America

America into foreign parts of Europe in vessels that clear out with non-enumerated goods, as well as to prevent the clandestine importation of foreign European goods into the said British colonies; be it further enacted by the authority aforesaid, That from and after the first day of *January*, one thousand seven hundred and sixty seven, bond and security, in the like penalty, shall also be given to the collector, or other principal officer of the customs, at any port or place in any of the *British American* colonies or plantations, with one surety besides the master of every ship or vessel that shall lade or take on board there any goods not particularly enumerated in the said acts, with condition, that such goods shall not be landed at any part of *Europe* to the northward of *Cape Finisterre*, except in *Great Britain*; which bond shall be discharged in the manner hereafter mentioned; that is to say, for such of the said goods as shall be entered for, or landed in, *Great Britain*, the condition of the bond shall be, to bring a certificate in discharge thereof within eighteen months from the date of such bond, and within six months for such of the said goods as shall be entered for, or landed in, any of the *British* colonies or plantations in *America*; which respective certificates shall be under the hands and seals of the collector and comptroller, or other principal officer of the customs, resident at the port or place where such goods shall be landed, testifying the landing thereof; and for such of the said goods as shall be entered for, or landed at, any other place where the same may be legally landed, to bring the like certificate within twelve months, under the common seal of the chief magistrate, or under the hands and seals of two known *British* merchants residing there, or such bond or bonds shall be discharged, in either of the said cases, by proof upon oath made by credible persons, that the said goods were taken by enemies, or perished in the seas: and if any such non-enumerated goods shall be laden on board any such ship or vessel in any *British* colony or plantation in *America* before such bond shall be given, the goods so laden, together with the ship or vessel, and her furniture, shall be forfeited, and shall and may be seized by any officer of the customs, and prosecuted in such manner as any other forfeiture against the laws of the revenue may be prosecuted.

XXXI. Provided always, and it is hereby declared and enacted by the authority aforesaid, That nothing herein before contained shall extend, or be construed to extend, to vessels which shall be *bona fide* bound to some of the ports of *Spain* within the bay of *Biscay*.

XXXII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in *Great Britain* or *America*, against any person or persons for any thing done in pursuance of this or any act of parliament relating to his Majesty's customs, the defendant or defendants in such action or suit may plead the general issue, and give the said acts, and the special matter, in evidence, at any trial to be had

From and after 1 Jan. 1767, bond and security to be given at the ports in America, for all non-enumerated goods laden on board any vessel.

Condition of the bond.

If any such goods shall be laden on board before bond given, they are forfeited, with the vessel.

Limitation of this act, with respect to vessels bound to some of the ports of Spain within

General issue.

had thereupon, and that the same was done in pursuance, and by the authority, of such act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given, upon any verdict or demurrer, against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

CAP. LIII.

An act for altering the oath of abjuration and the assurance; and for amending so much of an act of the seventh year of her late majesty Queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or misprision of treason.

WHEREAS by an act passed in the first year of the reign of Preamble, reciting clauses in act 1 Geo. 1. his late majesty King George the First, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; it is, amongst other things, enacted, That all and every person and persons therein mentioned, within Great Britain, and the several islands of Jersey and Guernsey, should take and subscribe the oath of abjuration therein mentioned; and all and every person and persons therein mentioned within Scotland, should also subscribe the assurance therein mentioned; in the manner, at the times and places, and under the pains and penalties, in the said act expressed: and whereas by an act passed in the fifth year of the reign and act 5 Geo. 1. of his said late Majesty, intituled, An act for making more effectual the laws appointing the oaths, for security of the government, to be taken by the ministers and preachers in churches and meeting-houses in Scotland, it is enacted, That all and every person and persons therein mentioned, in Scotland, should subscribe the assurance in the above mentioned act contained, and also take and subscribe the oath of abjuration therein directed to be taken, in lieu of the oath of abjuration formerly required by law, in the manner, at the times and places, and under the penalties and disabilities, in the said act provided: and whereas by the death of the person who pretended to be prince of Wales during the life of the late King James, and, since his decease, pretended to be, and took upon himself the stile and title of, King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, it is become necessary to make some alteration in the oath of abjuration, and the assurance, contained in the said acts above mentioned: be it therefore declared and From and after the 24th June, 1766, the oath ad- enacted by the King's most excellent majesty, by and with the ad-

required to be taken by the recited acts, to be administered in the following form.

advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fourth day of June, one thousand seven hundred and sixty six, the oath of abjuration in the said act above mentioned, be administered in such manner and form as is herein after set down and prescribed; (that is to say)

The form.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, That our sovereign lord King George is lawful and rightful King of this realm, and all other his Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe, in my conscience, That not any of the descendants of the person who pretended to be prince of Wales during the life of the late King James the Second, and, since his decease, pretended to be, and took upon himself the stile and title of, King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, bath any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure, any allegiance or obedience to any of them. And I do swear, That I will bear faith and true allegiance to his Majesty King George, and him will defend to the utmost of my power, against all traiterous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to his Majesty, and his successors, all treasons and traiterous conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend, the succession of the crown, against the descendants of the said James, and against all other persons whatsoever, which succession, by an act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgement, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a christian.

And from and after 24 June, 1766, the assurance in first recited act, to be administered in the following form.

And that from and after the twenty fourth day of June, one thousand seven hundred and sixty six, the assurance, in the said first-mentioned act contained, be administered in such manner and form as is herein after set down and prescribed; that is to say,

The form.

I A. B. do, in the sincerity of my heart, assert, acknowledge, and declare, That his Majesty King George is the only lawful
and

and undoubted sovereign of this realm, as well de jure, that is, of right King, as de facto, that is, in the possession and exercise of the government. And therefore I do promise and swear, That I will with heart and hand, life and goods, maintain and defend his right, title, and government, against the descendants of the person who pretended to be prince of Wales during the life of the late King James, and, since his decease, pretended to be, and took upon himself the stile and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, and their adherents, and all other enemies who, either by open or secret attempts, shall disturb or disquiet his Majesty in the possession and exercise thereof.

And that all and every person and persons who are enjoined and required to administer, take, or subscribe, the oath of abjuration, and the assurance, in the said above mentioned acts contained, shall respectively administer, take, and subscribe, the oath of abjuration, and subscribe the assurance, according to the form herein set down and prescribed, in such courts, within such time limited, in such manner, and with due observance of the same requisites, and with benefit of the same savings, provisions, and indemnities, as by the said acts above mentioned, or by any other acts, or any part of them, now subsisting, are directed and enacted; and in case of neglect or refusal, he or they shall be subject and liable to the same penalties and disabilities as, by the laws and statutes aforesaid, are enacted.

The said oath, and assurance, to be administered, taken, and subscribed, within the time, and in the manner, &c. as by the recited acts are directed.

II. And be it further enacted by the authority aforesaid, That from and after the first day of August, one thousand seven hundred and sixty six, the same oath of abjuration by this act appointed to be taken in Great Britain, shall be the oath of abjuration to be taken in the kingdom of Ireland, and the rest of his Majesty's dominions, and no other; and that the benefit of the indemnities given by the said first mentioned act of the first year of the reign of his late majesty King George the First, shall continue and be in force, as to the said kingdom of Ireland, in like manner as if this act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

From and after 1 August, 1766, the same oath of abjuration to be taken in Ireland, and other his Majesty's dominions. Benefit of indemnities granted by act of 1 Geo. 1. to be in force in Ireland.

III. And whereas by an act passed in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for improving the union of the two kingdoms, it is enacted, That from and after the decease of the person who pretended to be prince of Wales during the life of the late King James, and, since his decease, pretended to be King of Great Britain, and at the end of the term of three years after the immediate succession to the crown upon the demise of her said late Majesty should take effect, when any person is indicted for high treason, or misprision of treason, a list of the witnesses that shall be produced on the trial for proving the said indictment, and of the jury, mentioning the names, profession, and place of abode, of the said witnesses and jurors, be also given, at the same time that the copy of the indictment is delivered,

Clause in act 7 Ann.

Recited act
not to extend
to indictments
for counter-
feiting the
coin, privy
seal, privy
signet, or
other indict-
ments of high
treason, &c.

ed, to the party indicted; and that copies of all indictments for the offences aforesaid, with such lists, shall be delivered to the party indicted ten days before the trial, and in presence of two or more credible witnesses; be it further enacted by the authority aforesaid, That nothing contained in the said recited act, shall any ways extend to any indictment of high treason for counterfeiting his Majesty's coin, the great seal or privy seal, his sign manual, or privy signet, or to any indictment of high treason, or to any proceedings thereupon against any offender or offenders who, by any act or acts now in force, is and are to be indicted, arraigned, tried, and convicted, by such like evidence, and in such manner, as is used and allowed against offenders for counterfeiting his Majesty's coin.

C A P. LIV.

An act for putting the road from Clarges Street to Hyde Park Corner, and from the south end of Park Lane to the north side of Hertford Street, in the parish of Saint George Hanover Square, in the county of Middlesex, now under the direction of the acts for repairing the roads in the parishes of Kensington, Chelsea, Fulham, and Saint George Hanover Square, in the county of Middlesex, under the management of the commissioners for paving, cleansing, and lighting, the squares, streets, lanes, and other places in Westminster.

Preamble.

WHEREAS by several acts of parliament made in the twelfth year of the reign of King George the First, and the fourteenth year of the reign of his late majesty King George the Second, for repairing the roads in the parishes of Kensington, Chelsea, and Fulham, and other parishes therein mentioned in the county of Middlesex; and for repairing some other roads in the parish of Saint George Hanover Square, and the said parishes of Kensington and Chelsea; the roads leading from the end of Clarges Street to the present turnpike gate near Hyde Park Corner, and from the south end of Park Lane to the north side of Hertford Street, in the said parish of Saint George Hanover Square, are, amongst other roads therein described, directed to be repaired: and whereas it would be of publick utility if the said roads leading from the end of Clarges Street to the present turnpike-gate near Hyde Park Corner, and from the south end of Park Lane to the north side of Hertford Street, were put under the direction and management of the commissioners for putting in execution the several acts of parliament for paving, cleansing, and lighting, the squares, streets, lanes, and other places, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holbourn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the duchy of Lancaster which lies in the county of Middlesex, and for preventing

inconveniences therein, and for other purposes in the said acts mentioned; and a proper annual allowance made for the same to the said commissioners, out of the monies to arise by virtue of the said acts of the twelfth year of the reign of King George the First, and the fourteenth year of the reign of his late majesty King George the Second, and of any future act or acts for repairing roads in the said parishes of Kensington, Chelsea, and Fulham: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, so much of the said acts of the twelfth year of the reign of King George the First, and the fourteenth year of the reign of his late majesty King George the Second, as relates to repairing the said roads leading from the end of *Clarges Street* to the present turnpike-gate near *Hyde Park Corner*, and from the south end of *Park Lane* to the north side of *Hertford Street*, in the said parish of *Saint George Hanover Square*, shall be, and the same is hereby repealed.

Act of Kensington trust with respect to the Clarges Street road, &c. repealed;

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said roads leading from the end of *Clarges Street* to the present turnpike-gate near *Hyde Park Corner*, and from the south end of *Park Lane* to the north side of *Hertford Street*, in the said parish of *Saint George Hanover Square*, shall be under the care, management, and direction, of the said commissioners for paving, cleansing, and lighting, the squares, streets, lanes, and other places within the city and liberty of *Westminster*, and other places in the said [several] acts mentioned.

and the road put under the commissioners for paving.

III. And be it further enacted by the authority aforesaid, That in order to enable the said commissioners effectually to pave, cleanse, light, keep in repair, and regulate, the said roads leading from the end of *Clarges Street* to the present turnpike-gate near *Hyde Park Corner*, and from the south end of *Park Lane* to the north side of *Hertford Street*, in the said parish of *Saint George Hanover Square*, the trustees for the time being to be said acts of the twelfth year of the reign of King George the first, and the fourteenth year of the reign of his late majesty King George the Second, and to any future act or acts of parliament for repairing the several roads in the parishes of *Kensington*, *Chelsea*, and *Fulham*, in the county of *Middlesex*, by the said acts directed to be repaired, or any five or more of them, shall pay, or cause to be paid, yearly and every year, during the continuance of the said acts of the twelfth year of the reign of King George the First, and the fourteenth year of the reign of his late majesty King George the Second, and of any future act or acts of parliament for repairing the same roads in the parishes of *Kensington*, *Chelsea*, and *Fulham*, to the said commissioners for putting in execution the several acts of parliament for paving, cleansing, and lighting, the squares, streets, lanes, and other places, in the said acts mentioned, or any three or more of them, to such person or persons as shall be by them authorized and

An annual sum to be paid by the trustees to the commissioners.

appointed to receive the same, the sum of one thousand pounds of lawful money of *Great Britain*, free from all deductions whatsoever, by four even or equal quarterly payments in the year; that is to say, the feast of *Saint Michael the Archangel*, the birth our Lord *Christ*, the annunciation of the blessed *Virgin Mary*, and the nativity of *Saint John the Baptist*; the first payment to begin and be made on the feast day of *Saint Michael the Archangel* now next ensuing, which will be in the year one thousand seven hundred and sixty six: and if the said payments, or any part or parts thereof, shall be behind and unpaid for the space of fourteen days after the same shall become due, it shall and may be lawful to and for the said commissioners, or for such person or persons as they, or any three or more of them, shall, by writing under their hands and seals, appoint, to seize and take possession of any turnpike-gate or gates upon any part or parts of the said roads, and to collect and receive the tolls by the said acts, any or either of them, authorized to be taken thereat, until the sum or sums so remaining due and unpaid, and all reasonable charges attending such seizure, collection, and reception, shall be fully paid, satisfied, and discharged, and no longer.

Annual sum
to be applied
in paving, &c.

IV. And be it further enacted by the authority aforesaid, That the said annual sum of one thousand pounds shall be applied by the said commissioners in paving, cleansing, lighting, repairing, and regulating, the said roads leading from the end of *Clarges Street* to the present turnpike-gate near *Hyde Park Corner*, and from the south end of *Park Street* to the north side of *Hertford Street*, in the said parish of *Saint George Hanover Square*, in the said county of *Middlesex*, and the several other squares, streets, lanes, and places, under the care and management of the said commissioners, and to and for no other purpose whatsoever.

Impowering
the commis-
sioners to bor-
row money.

V. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, may, and are hereby impowered, from time to time, to borrow and take up at interest any sum or sums of money upon the credit of the said annual sum of one thousand pounds, so to be paid by virtue of this act to the said commissioners for putting in execution the several acts of parliament for paving, cleansing, and lighting, the squares, streets, lanes, and other places, in the said acts mentioned, in manner aforesaid; and to assign over and convey the same, or any part or parts thereof, by any writing or writings under their hands and seals; the charges of such assignments and conveyances to be paid out of the said annual sum of one thousand pounds, to any person or persons who shall advance or lend their monies thereon, as a security or securities for the several sums that shall be borrowed, and the interest thereof as aforesaid; and copies of all such assignments and conveyances shall be entered in a book or books to be kept for that purpose by the clerk or treasurer to the said commissioners: and all and every person and persons to whom any such assignment or conveyance shall be made as aforesaid, is and are hereby

by

by impowered, from time to time, by assignment under his, her, or their hand or hands, to be indorsed on the back of his, her, or their security, or by any other writing or writings under his, her, or their hand and seal, or hands and seals, which shall be executed in the presence of two or more credible witnesses, to assign over or transfer his, her, or their right to the principal or interest money thereby secured, to any person or persons whomsoever; all which assignments or transfers shall be produced and notified to the clerk or treasurer within thirty days after the date thereof, who shall cause an entry to be made of such assignments, containing the date, names of the parties, and sums of money therein mentioned to be assigned and transferred, in the said book or books to be kept for entering the said original assignments; for which the clerk or treasurer shall be paid the sum of two shillings and six pence, and no more; and which said book or books shall and may, at all seasonable times, be perused and inspected without any fee or reward; and after such entry made, such assignment or transfer shall intitle such assignee, his, her, or their executors, administrators, and assigns, to the benefit thereof and payment thereon; and such assignee may, in such manner, assign or transfer again, and so *toties quoties*; and it shall not be in the power of any person who shall have made such assignment or transfer, to make void, release, or discharge the same, or any monies thereon due; and that no preference shall be given to any person or persons advancing any sum or sums of money upon the credit of this act, in respect to the priority of advancing such sum or sums, but that all persons to whom any mortgages or assignments shall be made as aforesaid, shall, in proportion to the sum or sums therein mentioned, be creditors in equal degree one with another.

VI. And be it further enacted by the authority aforesaid, That the expences of passing this act shall be paid out of the first monies to be raised by virtue of this act. For paying the the expences of the act.

VII. And be it further enacted by the authority aforesaid, That in case the term of the said acts of the twelfth year of King George the First, and the fourteenth year of his late Majesty, shall not be further continued by act of parliament, from the expiration of the present subsisting term thereof; it shall and may be lawful for the said commissioners, or any three or more of them, immediately after the expiration of such present subsisting term, to cause any gate to be erected or continued at or near the place where the present turnpike stands at *Hyde Park Corner*, and to take and receive the respective tolls, authorized by the said acts to be taken and received, at the said turnpike, in manner, and under the penalties, authorities, and indemnities, in the said acts mentioned, and to apply the same in paving, cleansing, lighting, repairing, and regulating, the said roads leading from the end of *Clarges Street* to the present turnpike gate near *Hyde Park Corner*, and from the south end of *Park Lane* to the north side of *Hertford Street*, in the said parish of *Saint George Hanover Square*. For continuing a turnpike, and collecting the tolls, in case the turnpike acts shall not be continued.

VIII. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be, a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons, without specially pleading the same.

CAP. LV.

An act to enable Thomas Kymer esquire, to make a navigable cut or canal from Little Gwendraeth River, near the town of Kidwely, to the Great Forest and Pwll Llygod, in the county of Carmarthen.

CAP. LVI.

An act for repairing, widening, and keeping in repair, the road leading from Tunbridge Wells, in the county of Kent, to the cross ways near Maresfield Street, in the county of Suffex.

CAP. LVII.

An act for enlarging the terms and powers of two acts, one of the twelfth of King George the First, and the other of the fourteenth of his late Majesty, for repairing the road from Horley Upright Gate to the top of Kingdown Hill, in the county of Wilts; and for amending several roads near or adjoining to the said road.

CAP. LVIII.

An act for enlarging the term and powers of an act of the fourth year of his late Majesty for repairing the road from Godstone, in the county of Surrey, to Highgate, in the parish of East Grinstead, in the county of Suffex.

CAP. LIX.

An act for repairing and widening the road from Beverley, by Mollcroft, to Kendell-house; and from Mollcroft to Bainton Balk, in the county of York.

CAP. LX.

An act for discontinuing the use of several roads leading into and over Fisherwick Park, in the county of Stafford; and for building and maintaining a publick bridge cross the river Tame, at or near Elford Mill Ford, in the said county; and for repairing, and keeping in repair, the road from such bridge to Hademore Gate, in the road leading through Whittington to Litchfield.

CAP. LXI.

An act for the better regulation of pilots for the conducting of ships and vessels into and out of the port of Liverpool.

CAP. LXII.

An act to enlarge and continue the term and powers granted by an act passed in the fourteenth year of the reign of his late majesty King George the Second, intituled, An act for repairing the roads from Doncaster through Ferry Bridge, to the south side of Tadcaster Cross; and also from Ferry Bridge to Weatherby; and from thence to Borough Bridge, in the county of York; as to so much of the said act as relates to the said roads from Doncaster through Ferry Bridge, to the south side of Tadcaster Cross.

CAP. LXIII.

An act for the support and preservation of the parish church of Folkestone, and the lower part of the town of Folkestone, in the county of Kent.

CAP. LXIV.

An act for the better maintaining, regulating, and employing, the poor within the parish of Saint Botolph, Aldgate, in the city of London.

CAP. LXV.

An act to enlarge the term and powers of an act made in the twenty fifth year of King George the Second, for repairing the roads from the north end of Malling-Street, near the town of Lewes, and other roads in the county of Sussex; and for amending the road from the Broil Park Gate, to the west end of the turnpike road leading from the turnpike road on Hurst Green, through the parishes of Etchingham and Būrwash; and from the said Broil Park Gate to the town of Battell in the said county.

CAP. LXVI.

An act for building a bridge cross the river Thames, from Battersea in the county of Surry, to Chelsea in the county of Middlesex.

CAP. LXVII.

An act for repairing and widening the road from Bawtry, in the county of York, to East Markham common, in the county of Nottingham, and from Little Drayton to Twiford Bridge, in the said county.

CAP. LXVIII.

An act for repairing and widening the road from the Cross or Market Place in the town of Wimborne Minster, to the Cross or Market Place in the town of Blandford Forum, in the county of Dorset.

CAP. LXIX.

An act for repairing, widening, and keeping in repair, the road leading from Cromford Bridge, in the county of Derby, to the turnpike road at or near Langley Mill, in the said county.

CAP. LXX.

An act to remove and regulate the publick markets in the city of Bath; for widening certain streets, ways, and passages, within the said city, and the liberties and precincts thereof, and for opening certain new streets and ways within the same; for better paving, cleansing, lighting, watching, and regulating the streets, lanes, ways, and passages there, to remove all nuisances and obstructions therein, and to prevent the same for the future; and for better supplying the inhabitants of the said city, liberties, and precincts, with water.

CAP. LXXI.

An act for enlarging the term and powers granted by an act passed in the twenty fourth year of his late majesty King George the Second, for repairing several roads in the county of Bucks, so far as the same

same relates to the road between the town of Wendover and the town of Buckingham.

CAP. LXXII.

An act for the relief and employment of the poor, and for repairing the highways, paving, cleansing, lighting, and watching, the streets and other places in the town and parish of Richmond, in the county of Surrey; and for removing and preventing annoyances, obstructions, and incroachments therein; and for shutting up a road from the late horse ferry at Kew to West Sheene Lane near Richmond Green; and for amending and keeping in repair the road from Kew Bridge to Richmond.

CAP. LXXIII.

An act for repairing the road from the burgh of Lauder, in the shire of Berwick, to and through Kelfo, in the shire of Roxburgh, to the Marchburn.

CAP. LXXIV.

An act to render more effectual an act made in the third year of his present Majesty's reign, for maintaining, regulating, and employing the poor within the parish of Saint Mary, Whitechapel, in the county of Middlesex.

CAP. LXXV.

An act to render more effectual an act passed in the last session of parliament, for rebuilding the parish church of Alhallows on the Wall, in the city of London; and for rebuilding the house belonging to the rector of the said parish; and for purchasing several pieces of ground and tenements thereon, to render the passages to and from the said church and house more commodious.

CAP. LXXVI.

An act to enable the governor and company of the bank of England to purchase certain houses and ground contiguous and near to the bank; and for making certain avenues leading thereto more commodious.

CAP. LXXVII.

An act for repairing and widening the stone bridge in the town of Shrewsbury.

CAP. LXXVIII.

An act for making and continuing navigable the river Stort, in the counties of Hertford and Essex.

CAP. LXXIX.

An act for repairing and widening the road from Ashborne to Sudbury; and from Sudbury to Yoxall Bridge; and from the turnpike road upon Hatton Moor to Tutbury, in the counties of Derby and Stafford.

CAP. LXXX.

An act for repairing and widening the roads from Brimington and Chesterfield, in the county of Derby, over the High Moors, to the several places therein mentioned.

CAP.

CAP. LXXXI.

An act for further continuing the duty of one farthing per chaldron on coals, granted by an act of the first year of Queen Anne, and revived and continued by an act of the eighth of King George the Second, for improving and repairing the piers and harbour of Whitby, in the county of York, and for better regulating the shipping there.

CAP. LXXXII.

An act to enlarge the term and powers of an act made in the twenty sixth year of King George the Second, for repairing several roads leading into the city of Glasgow, so far as the same relates to the districts of roads from Inchbelly Bridge to Glasgow; and from Glasgow to Redburn Bridge; and for altering and ascertaining the course of the last mentioned district of road.

CAP. LXXXIII.

An act for enlarging the term and powers of so much of two acts made in the twelfth year of the reign of King George the First, and in the twelfth year of the reign of King George the Second, for repairing the road from Spittlegate Hill, in the county of Lincoln, to Little Drayton, in the county of Nottingham, as relates to the road from Spittlegate Hill to Boston Bridge, in the county of Lincoln.

CAP. LXXXIV.

An act for repairing and widening the road leading from the present turnpike road at Haverhill to Red Cross, in the parish of Shelford, in the county of Cambridge.

CAP. LXXXV.

An act for repairing the road from the turnpikes at Tunbridge Wells, in the county of Kent, to Ringles Cross, near Uckfield, in the county of Sussex.

CAP. LXXXVI.

An act for repairing and widening the road from the present turnpike road in the parish of Hursley, in the county of Southampton, through the borough of Andover, to the town of Newbury, in the county of Berks; and from Newbury to Chilton Pond and Newtown River.

CAP. LXXXVII.

An act for repairing and widening the road from the Mansfield and Chesterfield turnpike road, near the nine mile stone from Mansfield, through Temple Normanton, Tupton New Inclosure, and Birkin Lane, to Bunting Field Nook, in the parish of Ashover, in the county of Derby.

CAP. LXXXVIII.

An act for repairing and widening the road from High Bridges, in the county of Stafford, to Uttoxeter; and from Spatchwood Hanging Bridge; and from Tewnall's Lane to Yomall Bridge, in the said county.

CAP.

CAP. LXXXIX.

An act for repairing and widening the road leading from the bottom of Church Lane, in the town of Newcastle under Lyne, in the county of Stafford, to the turnpike road leading from Woor to Chester, near the town of Namptwich, in the county of Chester; and from Chesterton, through Audley and Balteriy, to Ghosly Hill.

CAP. XC.

An act for enlarging the term and powers of two acts, made in the eighth and twenty seventh years of his late Majesty, for repairing and widening the road from Rochdale in the county palatine of Lancaster, to the towns of Halifax and Ealand, in the county of York.

CAP. XCI.

An act to explain and amend an act made in the last session of parliament, for repairing and widening the road from Tonbridge to Maidstone, and from Watt's Crols to Cowden, in the county of Kent, so far as the same relates to the road from Tonbridge to Maidstone.

CAP. XCII.

An act for amending, widening, altering, clearing, and keeping in repair, several roads leading from the market cros in the town of Wareham, and in Purbeck, in the county of Dorset.

CAP. XCIII.

An act for amending and widening the road from the town of Bid-denden, in the Weald of Kent, through the towns of Smarden and Charing, to join the turnpike road which leads from Alshford to Feversham, at a place called Bound Gate.

CAP. XCIV.

An act for making the river Soar navigable from the river Trent, to or near Loughborough, in the county of Leicester; and for making navigable cuts or canals from the said river Soar, to or near The Rushes and the Hermitage Pool, at Loughborough aforesaid.

CAP. XCV.

An act for repairing and widening the road leading from High Bullen, in Wednesbury, to the further end of Darlston Lane, next the Portway; and from thence through Bilston, to the further end of Gibbett Lane; and several other roads leading to and from Bilston, in the county of Stafford.

CAP. XCVI.

An act for making a navigable cut or canal from the river Trent, at or near Wilden Ferry, in the county of Derby, to the river Merley, at or near Runcorn Gap.

CAP. XCVII.

An act for making and maintaining a navigable cut or canal from the river Severn, between Bewdley and Tittori Brook, in the county of Worcester, to cross the river Trent, at or near Heywood Mill,

Mill, in the county of Stafford, and to communicate with a canal intended to be made between the said river Trent and the river Merley.

C A P. XCVIII.

An act for repairing and widening several roads leading to the town of Dartford, in the county of Kent.

C A P. XCIX.

An act for repairing and widening the road from Muckley Corner, to Walsall and Wednesbury, and to Leigh Brook and Ocker Hill, and several other roads in the county of Stafford.

C A P. C.

An act for the better regulating and employing the poor; and for cleansing, lighting, and watching, the squares, streets, lanes, and other places, within that part of the parish of Saint Andrew Holborn which lies above the bars, in the county of Middlesex, and the parish of Saint George the Martyr, in the said county.

C A P. CI.

An act for making the river Chelmer navigable from the port of Maldon to the town of Chelmsford, in the county of Essex.

C A P. CII.

An act to enable the principal officers and commissioners of his Majesty's navy to carry into execution certain articles of agreement made for a lease of ground for the improvement of his Majesty's dock yard of Plymouth.





[The text in this section is extremely faint and illegible. It appears to be a list or a series of entries, possibly a table of contents or a list of references, but the individual items cannot be discerned.]

ANNO REGNI

GEORGE III.

REGIS

Magnæ Britannia, Francia, & Hibernia,

SEPTIMO.

At the Parliament begun and holden at *Westminster*, the Nineteenth day of *May*, *Anno Dom.* 1761, in the First Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain, France,* and *Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Eleventh day of *November*, 1766, being the Sixth Session of the twelfth Parliament of *Great Britain*.





T H E

STATUTES at Large, &c.

anno septimo GEORGII III. Regis.

C A P. I.

To continue an act made in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland; a limited time.

WHEREAS an act of parliament passed in the fifth year of the reign of his present Majesty, intituled, An act for importation of salted beef, pork, bacon, and butter, from Ireland; for a limited time; which was to continue in force for months from the commencement thereof; which said act was, in the last session of parliament, further continued from the expiration thereof, until the first day of February, 1767, is near expiring: and it is the allowing the importation of salted beef, pork, bacon, and butter, from Ireland, for a further time, may be of great advantage to both kingdoms: may it therefore please your Majesty, may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and all and every the clauses, provisions, penalties, powers, allowances, drawbacks, matters, and things, therein contained, shall be further continued, from the expiration thereof, until the first day of February, one thousand seven hundred and sixty eight, as fully and effectually, to all intents and purposes, as if the same were inserted and re-enacted in the said act.

Preamble, reciting act 5 Geo. 3.

The recited act further continued to 1 Feb. 1768.

C A P. II.

To amend so much of an act made in the last session of parliament, intituled, An act for repealing certain laws in the British colonies and plantations, granted several acts of parliament; and also the duties imposed by an act made in the last session of parliament on certain East India goods exported from Great Britain; and for granting other duties instead thereof; and for further encouraging, regulating, and securing,

Anno septimo GEORGI III. c. 2, 3. [1766:

several branches of the trade of this kingdom, and the *British* dominions in *America*, as relates to the exportation of non-enumerated goods from the *British* colonies in *America*.

Preamble, reciting clause in act 6 Geo. 3.

WHEREAS by an act made in the last session of parliament, intituled, An act for repealing certain duties, in the *British* colonies and plantations, granted by several acts of parliament; and also the duties imposed by an act made in the last session of parliament upon certain *East India* goods exported from *Great Britain*; and for granting other duties instead thereof; and for encouraging, regulating, and securing, several branches of the trade of this kingdom, and the *British* dominions in *America*; it is, amongst other things, enacted, That bond and security, in the penalties in the said recited act mentioned, shall be given to the collector or other principal officer of the customs, at any port or place in any of the *British* American colonies or plantations, with one surety besides the master of every ship or vessel that shall lade or take on board there any non-enumerated goods, with condition, that such goods shall not be landed at any part of Europe to the northward of *Cape Finisterre*, except in *Great Britain*: and whereas *Ireland* should have been excepted in the said act as well as *Great Britain*: be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any non-enumerated goods laden as foresaid, in any *British* American colony or plantation, may be landed in *Ireland*; and that the said recited act, and all the regulations therein contained, so far as the same relate to the bond and security for landing such non-enumerated goods in *Great Britain*, shall extend, and be construed to extend, to *Ireland* also, as fully and effectually to all intents and purposes as if *Ireland* had been excepted and named in the said act; and that any bond which may have been entered into in pursuance of the said recited act, not to land any non-enumerated goods in any part of Europe to the northward of *Cape Finisterre*, except in *Great Britain*, shall and may be cancelled and discharged by the like certificate under the hands and seals of the collector and comptroller, or other principal officer of the customs at any port in *Ireland*, testifying the landing of such goods there, in the same manner as if the said goods had been landed in *Great Britain*; any thing in the said recited act to the contrary notwithstanding.

Non-enumerated goods, laden in any *British* American colony, may be landed in *Ireland*.

The recited act, so far as it relates to the bond and security for landing such non-enumerated goods in *Great Britain*, extended to *Ireland*, &c.

CAP. III.

An act to prohibit, for a limited time, the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat flour.

Preamble.

WHEREAS the exportation of any sort of corn, grain, meal, malt, flour, bread, biscuit, and starch, out of the kingdom

goods of Great Britain or Ireland, may, at this time, be greatly
judicial to his Majesty's subjects; be it therefore enacted by the
King's most excellent majesty, by and with the advice and
consent of the lords spiritual and temporal, and commons, in
parliament assembled; and by the authority of the
 same, That no person or persons whatsoever shall, directly or
 indirectly, export, transport, carry, or convey, or cause or pro-
 ceed to be exported, transported, carried, or conveyed, out of
 any of the said kingdoms of *Great Britain or Ireland*; or load
 any on board, or cause or procure to be laden or laid on
 board, in any ship or other vessel, or boat, in order to be ex-
 ported or carried out of the said kingdoms of *Great Britain or*
Ireland, any sort of corn, grain, meal, malt, flour, bread, bis-
 cuit, or starch, under the penalties and forfeitures herein after
 mentioned; that is to say, That all the said commodities that
 shall be so exported, shipped, or laid on board, or loaded to be
 exported, shipped, or carried out, contrary to this act, shall
 be forfeited; and that every offender or offenders therein shall
 forfeit the sum of twenty shillings for every bushel of corn,
 malt, meal, or flour; and twelve pence for every pound
 weight of bread, biscuit, or starch; and so in proportion for
 any greater or less quantity which shall be so exported, shipped,
 or laid out on board to be exported; and also the ship, boat, or
 vessel, upon which any of the said commodities shall be export-
 ed, shipped, or laden to be exported, and all her guns, tackle,
 apparel, and furniture, shall be forfeited; and one moiety of all
 the said penalties and forfeitures shall be to the King's majesty,
 his heirs, and successors, and the other moiety to him or them
 who shall sue for the same; and for offences which shall be com-
 mitted in that part of *Great Britain* called *England*, such pen-
 alties and forfeitures shall be recovered by action of debt, bill,
 or information, in any of his Majesty's courts of record
 at *Westminster*, or before the justices of assize, or at the great ses-
 sions in *Wales*, or by information, at any general quarter ses-
 sions of the peace for the county, city, riding, division, or
 borough, where the offence shall be committed; and in such suit,
 essoin, protection, privilege, or wager of law, shall be allowed;
 and for offences which shall be committed in that part of *Great*
Britain called *Scotland*, by action or summary bill, or informa-
 tion, in the courts of sessions or exchequer in *Scotland*; and for
 offences which shall be committed in *Ireland*, in his Majesty's
 courts of record in *Dublin*, or at the general quarter session of
 the peace for the county, city, or place, where the offence shall
 be committed; and that the master and mariners of any such ship,
 boat, or vessel, wherein any such offence might be committed,
 committing such offence, and wittingly and willingly aiding and
 assisting thereunto, and being thereof duly convicted in any
 of the said courts as aforesaid, shall be imprisoned for the space of
 three months without bail or mainprize.
 And be it further enacted by the authority aforesaid, that it shall
 and may be lawful to and for any person or persons,

No person shall export, &c. any of the commodities here mentioned, from Great Britain or Ireland,
 on forfeiture of the same;
 and 20 s. per bushel, for all corn, grain, malt, meal, and flour; and 12 d. per lb. for all bread, biscuit, or starch;
 and also of the vessel, &c.
 In what courts the said penalties to be sued for and recovered.
 Master and mariners of any such vessel assisting, liable to 3 months imprisonment.
 Officers, and other persons authorised.

may seize any of the said commodities shipped, &c. contrary to the intent of this act; together with the vessel.

The goods to be lodged in the King's warehouses.

Prohibition not to extend to so much of the said commodities, as shall be necessary for the use of vessels in their voyages;

or of his Majesty's ships of war, &c. forces or garrisons;

nor to such as shall be carried coastwise;

security being first given for the due landing thereof;

nor to such as shall be exported from Great Britain to Ireland; or from Ireland to Great Britain; or to Gibraltar, Minorca, or Bri-

sons, being an officer or officers of the customs, or being lawfully authorized in this behalf by the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such of the said commodities, not allowed to be exported by this act, as he or they shall happen to find, know, or discover, to be laid on board any ship, or other vessel, or boat, at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported, or conveyed, out of *Great Britain* or *Ireland*, contrary to the true intent of this act; and also the ship, vessel, or boat, in which the same shall be found; and to bring the said goods to the King's warehouse or warehouses belonging to the customhouse next to the place where such seizures shall be made, or to some other safe place (where there are no such warehouses) in order to be proceeded against according to law; and in case of recovery, to be divided in manner as aforesaid.

III. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation of such or so much of the said commodities, as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages, for the sustenance, diet, and support, of the commanders, masters, mariners, passengers, or others, in the same ships or vessels only; or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels in his Majesty's service, or for his Majesty's forces, forts, or garrisons; any thing herein contained to the contrary notwithstanding.

IV. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons to ship or put on board any of the commodities aforesaid, to be carried coastwise; that is to say, from any port, creek, or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek, or member of the same respectively, having such or the like coast coquet, or sufferance for that purpose, and such or the like sufficient security being first given for the landing and discharging the same in some other port, member, or creek, of the said kingdoms, and returning a certificate in six months, as is required by law in cases where goods, which are liable to pay duties on exportation, are carried coastwise from one port of *Great Britain* to another, and not otherwise.

V. Provided also, That this act, or any thing herein contained, shall not extend to any of the said commodities which shall be exported, or shipped to be exported, out of or from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, or from *Great Britain* or *Ireland*, to *Gibraltar* or *Minorca*, or unto any of his Majesty's islands or colonies in *America*, that have usually been supplied with any of the said commodities from *Great Britain* or *Ireland*, for the sustentation of the inhabitants of the said islands, colonies, or dominions; or for the benefit of the *British* fishery in those parts only; so as the exporter do, before the

the shipping or laying on board the same, declare the island, colony, or dominion, islands, colonies, or dominions, for which the said commodities are respectively designed, and do become bound with other sufficient security in treble the value thereof, to the commissioners or chief officer or officers of his Majesty's customs belonging to the port or place where the same shall be shipped or put on board (who hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use) that such commodities shall not be landed or sold in any parts whatsoever, other than the kingdoms, dominions, islands, or colonies, for which the same shall be so declared; and that a certificate under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such of the naval officer, or of some other principal officer of the port where the same shall be landed, shall, within the respective times herein after for that purpose mentioned (the danger of the seas excepted) be returned to the officers who took the said bonds, that the said commodities have been landed at the port or place for which the same shall be so declared; and for the taking of such security, and for giving such certificates (which the respective officers aforesaid are hereby on demand required to give) no fee or reward shall be demanded or received; and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs, or successors, in any office relating to the customs; and if any person shall counterfeit, raise, or falsify, any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds, and such certificate shall be void and of no effect; which said penalties for offences committed in *Great Britain or Ireland*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in *America*, or other the dominions belonging to the crown of *Great Britain in Europe*, shall be recovered in the high court of admiralty, or in any chief court of civil or criminal jurisdiction, in such respective colonies, plantations, or dominions; and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

VI. Provided also, That nothing herein contained shall extend to prohibit the exportation of beans to the *British* forts, castles, and factories in *Africa*, or for the use of the ships trading upon that coast, that usually have been supplied with the same, from *Great Britain or Ireland*; so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

VII. Provided also, That nothing herein contained shall extend to prohibit the united company of merchants of *England* trading

tish colonies. in *America*; or for the *British* fishery there;

the exporter giving security for the duty landing, &c.

and returning a certificate.

Officer making a false certificate forfeits 200l. and is incapacitated.

Other person counterfeiting, &c. any certificate forfeits 200l. &c.

Penalties in what courts to be recovered.

Application thereof. Bonds to be prosecuted within 3 years.

Prohibition not to extend to beans exported to the *British* forts, &c. in *Africa*, &c.

nor to any of the said company trading

modities exported by the East India company to their forts, &c.

trading to the *East Indies* from exporting any of the said commodities to any of their forts, factories, or settlements, for the support of the persons residing there; so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

nor to wheat, flour, malt, barley, bread, biscuit, or pease, from Southampton to Jersey, Guernsey, and Alderney, &c.

VIII. Provided also, That this act, or any thing herein contained, shall not extend to any wheat, flour, malt, barley, bread, biscuit, or peas, to be transported out of, or from, the port of *Southampton* only, unto the islands of *Jersey*, *Guernsey*, and *Alderney*, or any of them, for the only use of the inhabitants of those islands; so as the exporter before the lading of such commodities, or laying the same on board, do become bound with other sufficient security in treble the value thereof (which the customer or comptroller of the same port hath hereby power to take in his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken) that such commodities shall be landed in the said islands of *Jersey*, *Guernsey*, and *Alderney*, or one of them (the danger of seas only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever, and to return the like certificates of the landing the same there, as are herein before required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein after mentioned; and so as the quantity of wheat, flour, malt, barley, bread, biscuit and pease, which at any time or times after the passing of this act, and before the time herein after limited, shall be shipped at the said port for the said islands, or either of them as aforesaid, doth not exceed in the whole five thousand quarters; any thing herein contained to the contrary notwithstanding.

for the use of the inhabitants only, &c.

so as the quantity exceed not 5000 quarters in the whole;

IX. Provided also, That this act, or any thing herein contained, shall not extend to any wheat, barley, oats, meal, or flour, to be transported out of or from the ports of *Southampton* or *Exeter* only, unto the *Isle of Man*, for the only use of the inhabitants of that island; so as the exporter, before the lading of such wheat, barley, oats, meal, or flour, or laying the same on board, do become bound, with other sufficient security, in treble the value thereof (which the customer or comptroller of either of the said ports respectively hath hereby power to take in his Majesty's name, and to his Majesty's use, for which security no fee or reward shall be given or taken) that such wheat, barley, oats, meal, or flour, shall be landed in the said *Isle of Man* (the dangers of the seas only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever; and to return the like certificates of the landing the same there, as are by this act herein before required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein after mentioned; and so as the whole quantity of wheat, barley, oats, meal, and flour, which at any time or times after the passing

nor to wheat, barley, oats, meal, or flour, from Southampton or Exeter to the *Isle of Man*, for the use of the inhabitants only, &c.

so as the quantity ex-

passing

passing of this act, and before the time herein after limited, shall be shipped at both the said ports for the said *Isle of Man*, shall not exceed in the whole two thousand and five hundred quarters; one moiety thereof to be exported from the said port of *Southampton*, and the other moiety thereof to be exported from the said port of *Exeter*; any thing herein contained to the contrary notwithstanding.

ceed not 2500 quarters in the whole; one moiety to be shipped from *Southampton*, and the other moiety from *Exeter*.

X. And be it further enacted by the authority aforesaid, That the commissioners of the customs for the time being shall, and they are hereby required, to give a full and true account in writing, to both houses of parliament, at the beginning of the next session thereof, of all corn, grain, meal, malt, flour, bread, biscuit, and starch, that shall before that time be exported to any place whatsoever by virtue or in pursuance of any of the liberties or powers hereby given or granted for that purpose.

Commissioners of the customs to return an account to parliament of all the corn and other commodities so exported.

XI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend to any malt declared or made for exportation, and barley steeped and entered at the excise office, to be made into malt for exportation, on or before the fifteenth day of *November*, one thousand seven hundred and sixty six, which shall be exported; provided the proprietor or proprietors thereof shall produce to the collector or chief officer of the port where such malt shall be exported, a certificate or certificates, from the officer or officers with whom the entry of the corn intended to be made into such malt for exportation, shall have been made, that the said malt was actually declared or made for exportation, and the said barley steeped and entered at the excise office, to be made into malt for exportation, on or before the said fifteenth day of *November*; any thing herein contained to the contrary in any wise notwithstanding.

Prohibition not to extend to malt declared to be made for exportation, or to barley steeped and entered, on or before 15 Nov. 1766, &c.

XII. And be it further enacted by the authority aforesaid, That all certificates of the landing and discharging of the said commodities to be exported, other than coastwise, shall be returned within the respective times following; that is to say, where the bonds are taken in respect of any of the said commodities to be exported from *Great Britain* or *Ireland*, to any of the said colonies or plantations in *America*, within eighteen calendar months after the date of such bonds; and where to *Gibraltar* or *Minorca*, within twelve calendar months after the date of such bonds; and where to the islands of *Guernsey*, *Jersey*, *Alderney*, or *Man*, within six calendar months after the date of such bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within six calendar months after the date of such bonds respectively.

Times limited for returning certificates, where bonds are taken.

XIII. Provided always, and be it enacted by the authority aforesaid, That no corn, grain, meal, malt, flour, bread, biscuit, or starch, which shall be exported by virtue of this act, shall be intitled to any of the bounties or drawbacks which are allowed and made payable on the exportation of such commodities, or any of them.

No drawback or bounty to be paid on any of the commodities so exported.

XIV. Provided always, and be it enacted, That nothing herein

Prohibition not to extend to rice,

contained shall extend to prohibit the exportation of rice out of this kingdom.

The extraction of low wines or spirits from wheat or wheat flour prohibited,

XV. *And whereas it is expedient that the extraction of low wines or spirits from wheat or wheat flour should be prohibited for a limited time*; be it therefore further enacted by the authority aforesaid, That no low wines or spirits whatsoever shall be made, extracted, or distilled, within this kingdom, from any wheat or wheat flour: and if any distiller or maker of low wines or spirits, or any other person or persons whatsoever, shall make, extract, or distill, or cause or procure to be made, extracted, or distilled, any low wines or spirits from any wheat or wheat flour, or shall use or mix, or cause or procure to be used or mixed, any wheat or wheat flour in any worts or wash, in order for the making, extracting, or distilling, low wines or spirits, or shall put or lay, or cause or procure to be put or laid, in any tun, wash-batch, cask, copper, still, or other vessel or utensil, any wheat or wheat flour for the purpose of preparing any worts or wash, or for making, extracting, or distilling, low wines or spirits, whether such tun, wash-batch, cask, copper, still, or other vessel or utensil, hath or hath not been duly entered at the excise office; that then, and in each and every of the said cases, such distiller or maker of low wines or spirits, or other person or persons, acting contrary to the directions of this act, or the person or persons in whose custody or possession any such tun, wash-batch, cask, copper, still, or other vessel or utensil, which shall be made use of contrary to the intention of this act, shall be found, shall respectively, for every such offence, forfeit and pay the sum of two hundred pounds, and all such wheat or wheat flour, and such worts and wash, low wines and spirits, shall be also forfeited.

under penalty of 100l. and forfeiture of all the said commodities. Wheat and wheat flour found in any place where low wines and spirits are extracted, &c. are forfeited;

with 100l. by the person in whose possession found

Officers of excise, &c. authorized to inspect the materials from which low wines or spirits are to be extracted;

XVI. And be it further enacted by the authority aforesaid, That if any wheat or wheat flour shall be found in any workhouse, stillhouse, storehouse, warehouse, or any other place, wherein low wines or spirits, or worts or wash, shall be made, extracted, distilled, or prepared, or where any low wines or spirits, or worts or wash, shall have been made, extracted, distilled, or prepared, since the first day of *October*, one thousand seven hundred and sixty six, all such wheat and wheat flour shall be forfeited; and the person or persons in whose possession such workhouse, stillhouse, storehouse, warehouse, or place, shall be, shall, for every offence respectively, also forfeit and pay the sum of one hundred pounds.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons who shall be authorized for that purpose by the commissioners of excise for the time being, or any two or more of them, within the limits of the chief office of excise in *London*, or by one or more justice or justices of the peace in any other part of *Great Britain*, at any time or times, with any officer of excise, to enter into any workhouse, stillhouse, storehouse, warehouse, or any other place, wherein any low wines or spirits, or worts or wash, shall be, or are suspected to be, made, extracted, distilled, or prepared, or wherein low wines or spirits, or worts

or wash, shall have been made, extracted, distilled, or prepared, since the first day of *October*, one thousand seven hundred and sixty six, and shall have free admittance into the same, and may inspect all the materials, vessels, and utensils, therein contained, giving thereby as little interruption as may be to the business which is carrying on; and in case any officer of excise shall have reason to suspect that any wheat or wheat flour is mixed in any worts or wash, or in any other material or preparation, for making, extracting, or distilling, low wines or spirits, it shall and may be lawful for such officer, at any time or times during the said term, upon payment of two shillings and six pence, to take a sample, not exceeding two quarts, of any such worts or wash, material or preparation, which shall be found in any such house, or other place aforesaid; and in case any distiller or maker of low wines or spirits, or the owner or occupier of any such house or place, or any workman or servant to any such distiller, owner, or occupier belonging, shall refuse to admit such person or persons as shall be so authorized, or any officer of excise, into any such house or place; or shall obstruct or hinder any such officer, or person or persons, in making such inspection as aforesaid; or shall not allow any such officer to take such sample, after the said sum of two shillings and six pence shall be paid or tendered for the same, such distiller, owner, or occupier, shall, for every such offence respectively, forfeit and pay the sum of one hundred pounds; and it shall be lawful for any such officer of excise, or other person or persons authorized as aforesaid, having a warrant for that purpose from any two or more of the commissioners of the excise, or any justice or justices respectively as aforesaid, to seize, take, and carry away, all such wheat and wheat flour as shall be found in any such house or other place, together with all the sacks, bags, and other things, in which the said commodities shall be contained.

and take samples, paying for the same;

Penalty of refusing admittance to an officer, &c. or obstructing him, is 100*l.*

Officer authorized by warrant, may seize the said commodities.

XVIII. And be it further enacted by the authority aforesaid, That if any distiller or maker of low wines or spirits for sale or exportation, shall be possessed of, or have in his, her, or their custody or possession, or in the custody or possession of any person or persons in trust, or for the use or benefit of such distiller or maker of low wines or spirits, more than five quarters of wheat or wheat flour at any one time, in any one or more place or places (not being a place or places for preparing, making, extracting, distilling, or keeping worts or wash, low wines, or spirits) every such distiller or maker of low wines or spirits shall, for every such offence respectively, forfeit all such wheat and wheat flour exceeding the said quantity of five quarters; and also the sum of five pounds for every quarter so forfeited.

Distiller, &c. not to have more than 5 quarters of wheat or wheat flour at one time, &c.

on forfeiture of the surplus, and 5*l.* per quarter;

XIX. Provided always, That this act shall not extend to inflict the said last mentioned penalty and forfeiture upon any distiller or maker of low wines or spirits, who shall be the actual grower of wheat, and shall be possessed of any quantity of such wheat grown by him or her in the straw, or after the same is threshed out, or separated from the straw; provided such wheat shall

except with respect to such distillers, &c. as are the growers, &c.

and who keep shall not the wheat,

after being
threshed out,
longer than 20
days;
and not in
places used for
distilling;

and also with
respect to such
distillers as
are millers,
&c.

In case of in-
formation,
upon oath,
before two
commissioners
of excise,

or a justice of
peace, war-
rant to be
granted im-
powering the
officer, &c. to
enter all store-
houses, &c.
belonging to
distillers,

and seize all
wheat and
wheat flour
exceeding 5
quarters,
and distiller
liable to pay
5 l. per quarter
for all above
that quantity,
&c.

shall not be kept in his or her possession, or in the possession of any other person or persons in trust for him or her, or for a greater space of time than twenty days after the same shall be threshed or separated from the straw; and so as such wheat be not kept in any place used for making, extracting, or distilling, low wines or spirits, or for preparing or keeping worts or wash.

XX. Provided also, That this act shall not extend to inflict the said last mentioned penalty and forfeiture upon any distiller or maker of low wines or spirits, who practises the trade of a miller, and who was possessed of, and worked any mill or mills for the grinding of wheat, on or before the first day of *October*, one thousand seven hundred and sixty six, for or upon account of any quantity of wheat or wheat flour, which shall, during the time herein after limited, be found in any such mill or mills; any thing herein contained to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That in case any officer or officers of excise, or any other person or persons, shall, at any time or times, have cause to suspect that any wheat or wheat flour, exceeding the quantity of five quarters, shall be laid or kept in any such storehouse, warehouse, grainery, or other place or places, as aforesaid, belonging to any distiller or maker of low wines or spirits, contrary to the true intent and meaning of this act; then, and in every such case, upon oath made by such officer or officers, or other person or persons, before the commissioners of excise for the time being respectively, or any two or more of them, or before one or more justice or justices of the peace residing near the place where such officer or officers, or other person or persons, shall suspect the same to be laid and kept, setting forth the ground of his or their suspicion; it shall and may be lawful to and for the said commissioners, or justice or justices of the peace respectively, before whom such officer or officers, or other person or persons, shall make oath as aforesaid (if he or they shall judge it reasonable) by special warrant under his or their respective hands and seals, to authorize and empower such officer or officers, or other person or persons, authorized as aforesaid, by day or by night (but if in the night, then in the presence of a constable, or other lawful officer of the peace) to enter into all and every storehouse, warehouse, grainery, or other place or places, where he or they shall suspect that any wheat or wheat flour, exceeding the quantity of five quarters as aforesaid, shall be laid or kept, belonging to any such distiller or maker of low wines or spirits, and to seize, take, and carry away, all such wheat and wheat flour as he or they shall so find (over and above the said quantity of five quarters, together with all the sacks, bags, or other things, wherein the same shall be contained) and such distiller or maker of low wines or spirits, or the person or persons in whose custody or possession such wheat or wheat flour, belonging to such distiller, shall be found, shall, for every such offence respectively forfeit and pay the said penalty of five pounds for every quarter exceeding the said quantity of five quarters; and the said officer or officers, and other person or persons,

persons, is or are hereby impowered by such warrant, together with such other person or persons as he or they shall take to his or their assistance, to enter such storehouses, warehouses, graineries, and other place or places, and break open the doors thereof, in case they be not opened on demand.

XXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed, and for the recovery and application whereof no other provision is herein before made, shall be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Westminster*, or in the court of Exchequer in *Scotland*; and that the court before whom the same shall be recovered may and are hereby authorized (if they shall think fit) to mitigate all or any of the pecuniary penalties herein before inflicted, to any sum not less than one fourth part of the sum herein respectively mentioned; and that one moiety of all such penalties and forfeitures when recovered, shall be to the use of his Majesty, his heirs, and successors, and the other moiety to him or them who shall sue for the same, or give information of, or discover the offence.

Recovery and application of the penalties and forfeitures where not otherwise directed.

Penalties liable to be mitigated.

XXIII. Provided always, That all suits, prosecutions, or informations, for offences committed against this act, shall be commenced and made within the space of six calendar months after the fact is committed, and not otherways; any thing herein contained to the contrary notwithstanding.

Limitation of suits, and informations for offences against this act.

XXIV. And whereas there have been contracts made by the distillers with several persons for yeast to be delivered and received at future times after the first day of October, one thousand seven hundred and sixty six; be it therefore enacted by the authority aforesaid, That all contracts or bargains made by any distiller or distillers with any person or persons whatsoever, for any yeast to be delivered at any time during the continuance of this act, shall be, and are hereby declared to be, suspended.

Contracts made for supplying distillers with yeast, suspended during the continuance of this act.

XXV. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within the space of four calendar months next after the offence shall be committed; and if such action or suit shall be commenced or prosecuted in that part of *Great Britain* called *England*, the defendant or defendants in any such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law: and if such action

Limitation of actions.

General Issue.

Treble costs.

In Scotland full expence to be recovered.

Commencement and continuance of the several prohibitions.

Continuations liable to be abridged or varied, by any future act of this session. The King empowered, after the said 10 Sept. and before the next session, to prohibit, if expedient, the exportation of corn, &c.

for any time, until 20 days after the next session. Prohibition not to extend to places, or for any of the purposes allowed by this act.

or suit be commenced or prosecuted in that part of *Great Britain* called *Scotland*, the court, before whom such action or suit shall be brought, shall allow the defender to plead this act on his defence; and if the pursuer shall not insist on his action, or if judgement shall be given against such pursuer, the defendant shall and may recover the full and real expences he may have been put to by any such action or suit.

XXVI. And be it further enacted by the authority aforesaid, That such part of this act as prohibits the exportation of wheat and wheat flour, and the several clauses and provisions relating thereto, shall continue in force until the tenth day of *September*, one thousand seven hundred and sixty seven; and that such part of this act as prohibits the exportation of barley and malt, and the several clauses and provisions relating thereto, shall commence from the fourteenth day of *November*, one thousand seven hundred and sixty six, and continue in force until the said tenth day of *September*; and that such part of this act as prohibits the exportation of any other corn, grain, or flour, or of meal, bread, biscuit, and starch, and the several clauses and provisions relating thereto, shall commence from the passing of this act, and continue in force until the said tenth day of *September*; and that such part of this act as prohibits the extraction of low wines and spirits, from wheat, and wheat flour, and the several clauses and provisions relating thereto, shall commence from the passing of this act, and continue in force until the said tenth day of *September*.

XXVII. Provided nevertheless, That the said continuations, or any of them, may be abridged or shortened; and this act, or any part thereof, may be altered and varied by any other act or acts to be made in this present session of parliament.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That if at any time or times after the tenth day of *September*, one thousand seven hundred and sixty seven, and before the next session of parliament, it shall appear expedient to his Majesty to prohibit the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch, or any of them; it shall and may be lawful to and for his Majesty, from time to time, by his royal proclamation, to be issued by and with the advice of his privy council, or by his order in council to be published in the *London Gazette*, from time to time to prohibit the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch, or any of them, for any time or times, until twenty days after the commencement of the next session of parliament.

XXIX. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall enable his Majesty to prohibit the exportation of any corn, grain, meal, malt, flour, bread, biscuit, or starch, to any of the places, or for any of the purposes, allowed by this act, provided the said corn, grain, meal, malt, flour, bread, biscuit, or starch, be exported subject to all the regulations and provisions prescribed by this act.

C A P. IV.

An act for allowing the importation of wheat and wheat flour from his Majesty's colonies in America into this kingdom, for a limited time, free of duty.

WHEREAS the importation of wheat and wheat flour from his Majesty's colonies in America into Great Britain, will be advantageous to this kingdom; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any of his Majesty's subjects to import into Great Britain, in any ship or vessel navigated according to law, at any time or times before the first day of August, one thousand seven hundred and sixty seven, any wheat or wheat flour from any of his Majesty's colonies in America, without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

Wheat and wheat flour allowed to be imported from any of the British colonies in America, duty free, at any time before 1 Aug. 1767. Entry to be made thereof at the port of importation;

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made, in such manner and form as were used or practised before the making of this act, of all wheat and wheat flour which shall be imported or brought into this kingdom, by virtue of this act, before the said first day of August, at the custom-house belonging to the port into which the same shall be imported or brought in; or otherwise, in default of making such entry, such wheat and wheat flour shall be liable and subject to such and the same duties as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding: and such wheat and wheat flour may be carried coastwise, under such regulations as wheat and wheat flour of the growth of this kingdom are now allowed to be carried coastwise, at all times before the said first day of August,

otherwise, to be liable to pay duty;

The said commodities may be carried coastwise,

C A P. V.

An act for allowing the importation of wheat and wheat flour from any part of Europe into this kingdom, for a limited time, free of duty.

WHEREAS the importation of wheat and wheat flour from any part of Europe into Great Britain, will be advantageous to this kingdom; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever to import into Great Britain, in any ship or vessel whatsoever, at any time or times before the first day of March, one thousand

Wheat and wheat flour allowed to be imported from any part of Europe, duty

free, at any time before 1 March, 1767;

and may be carried coastwise.

Entry to be made thereof at the port of importation;

otherwise to be liable to pay duty.

thousand seven hundred and sixty seven, any wheat or wheat flour from any part of *Europe*, without the payment of any subsidy, custom, duty, or imposition whatsoever; and may also be carried coastwise, under such regulation as wheat and wheat flour of the growth of this kingdom are now allowed to be carried coastwise, at all times before the said first day of *March*; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made, in such manner and form as were used or practised before the making of this act, of all wheat and wheat flour which shall be imported or brought into this kingdom before the said first day of *March*, at the custom-house belonging to the port into which the same shall be imported or brought in; or otherwise, in default of making such entry, such wheat and wheat flour shall be liable and subject to such and the same duties as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding.

CAP. VI.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven.

CAP. VII.

An act for indemnifying such persons as have acted for the service of the public, in advising or carrying into execution the order of council of the twenty sixth day of September last, for laying an embargo on all ships laden with wheat or wheat flour; and for preventing suits in consequence of the said embargo.

Preamble.

WHEREAS his Majesty, by an order in council bearing date the twenty sixth day of September last, was pleased to order, That an embargo should be laid upon all ships and vessels laden or to be laden, in the ports of Great Britain, with wheat or wheat flour to be exported to foreign parts, from the date thereof, until the fourteenth day of November following: which order could not be justified by law, but was so much for the service of the public, and so necessary for the safety and preservation of his Majesty's subjects, that it ought to be justified by act of parliament; and all persons advising, or acting under, or in obedience to, the same, indemnified: be it hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been, or shall be, prosecuted or commenced against any person or persons, for or by reason of any act, matter, or thing, advised, commanded, appointed, or done, in relation to the premises; or of any contract or agreement not performed by means

All personal actions or prosecutions in England or Scotland, by reason of any act done in pursuance of the recited order of council;

of, or in obedience to, such order of council; be, are, and shall be, discharged and made void by virtue of this act: and that if any action or suit shall be prosecuted or commenced against any person or persons, for any such act, matter, or thing, so advised, commanded, appointed, or done, or such contract or agreement not performed; he, she, or they, may plead the General Issue, and give this act, and the special matter, in evidence; and if the plaintiff or plaintiffs in any action or suit, so to be prosecuted or commenced after the last day of *Michaelmas* term, one thousand seven hundred and sixty six, shall become nonsuit, or forbear farther prosecution, or suffer discontinuance; or if a verdict pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her, or their, double costs, for which he, she, or they, shall have the like remedy, as in cases where costs by law are given to defendants; and if any such action or suit, as aforesaid, shall be commenced or prosecuted after the twenty eighth day of *November*, one thousand seven hundred and sixty six, in that part of *Great Britain* called *Scotland*, the court, before whom such action or suit shall be commenced or prosecuted, shall allow to the defender the benefit of the discharge and indemnity hereby provided, and shall further allow to him his double costs of suit in all such cases as aforesaid.

or contract not performed, are discharged;

and the defendant may plead the General Issue.

Double costs.

CAP. VIII.

An act for allowing the importation of oats and oatmeal, rye and ryemeal, into this kingdom, for a limited time, free of duty.

WHEREAS *the importation of oats and oatmeal, rye and ryemeal, into this kingdom, for a limited time, duty free, will be advantageous to this kingdom; May it therefore please your most excellent Majesty, that it may be enacted;* and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever, to import into this kingdom, in any ship or vessel whatsoever, at any time or times before the twenty ninth day of *September*, one thousand seven hundred and sixty seven, any oats or oatmeal, rye or ryemeal, without the payment of any subsidy, custom, duty, or imposition whatsoever; and that such oats and oatmeal, rye and ryemeal, may be also carried coastwise under such regulations as oats and oatmeal, rye and ryemeal, of the growth of this kingdom, are now allowed to be carried coastwise, at all times before the said twenty ninth day of *September*, one thousand seven hundred and sixty seven; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

Preamble.

Oats and oatmeal, rye and ryemeal, allowed to be imported duty free, at any time before 29 Sept. 1767, and to be carried coastwise, under certain regulations;

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made in such manner and form as were used or practised before the making of this act, of

and entry to be made thereof at the port of importation;

otherwise to
be liable to
pay duty.

all oats and oatmeal, rye and ryemeal, which shall be imported or brought into this kingdom by virtue of this act before the said twenty ninth day of *September*, one thousand seven hundred and sixty seven, at the custom-house belonging to the port into which the same shall be imported or brought in, or otherwise, in default of making such entry, such oats and oatmeal, rye and ryemeal, shall be liable and subject to such and the same duties as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding.

CAP. IX.

An act for obviating doubts which have arisen with respect to so much of an act made in the first year of the reign of his present Majesty, intituled, (An act to amend an act passed in the eighteenth year of the reign of King George the second, concerning the qualification of justices of the peace, and for other purposes therein mentioned) as directs the taking of certain oaths by justices of the peace, on the issuing of any new commission of the peace.

Preamble, re-
citing act
1 Geo. 3.

WHEREAS doubts have arisen, with respect to the construction of so much of an act made in the first year of the reign of his present Majesty, intituled, (An act to amend an act passed in the eighteenth year of the reign of King George the Second, concerning the qualification of justices of the peace, and for other purposes therein mentioned) as relates to the taking of certain oaths by justices of the peace, on the issuing of new commissions of the peace; be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons who have been, or shall be, appointed justices of the peace, by any commission or commissions granted or to be granted by his present Majesty, and have taken and subscribed, or shall take and subscribe, the oaths mentioned in the said act made in the first year of his present Majesty's reign; and all persons, who shall be appointed justices of the peace, by any commission or commissions which shall be granted after his Majesty's demise, by any of his successors, Kings or Queens of this realm, and shall have, after the issuing of the first commission, whereby such persons shall be appointed justices of the peace, in the reign of any such King or Queen, taken and subscribed the said oaths, shall not be obliged, during the reign of his present Majesty, or during any future reign in which such oaths shall have been so taken and subscribed as aforesaid, to take and subscribe the same oaths, for or by reason of such persons being again appointed justices of the peace by any subsequent commission or commissions which shall be granted during any such reign; and shall not incur any penalty or forfeiture for the not taking or subscribing the said oaths.

Justices not
obliged to take
and subscribe
the oaths
mentioned in
the said act
more than
once during
his Majesty's
reign, or the
reign of any
of his succes-
sors.

CAP. X.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

CAP. XI.

An act for allowing the importation of wheat and wheat flour, free of duty, from any part of Europe, for a further time than is allowed by an act made in this session of parliament; and for permitting the free importation of barley, barley-meal, and pulse, into this kingdom, for a limited time.

WHEREAS by an act passed in this session of parliament, Preamble.
the free importation of wheat and wheat flour from any part of Europe, into this kingdom, is permitted till the first day of March, one thousand seven hundred and sixty seven: and whereas the allowing such importation for a further time, and the permitting the importation of barley, barley-meal, and pulse; that is to say, peas, beans, tares, and callivancies, into this kingdom, for a limited time, free of duty, will be advantageous to his Majesty's subjects; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever to import into Great Britain, in any ship or vessel whatsoever, at any time or times before the first day of June, one thousand seven hundred and sixty seven, any wheat or wheat flour, and any barley, barley-meal, peas, beans, tares, or callivancies, from any part of Europe, without the payment of any subsidy, custom, duty, or imposition whatsoever; and that he same may also at any time before the said first day of June, one thousand seven hundred and sixty seven, be carried coastwise under such regulations as wheat and wheat flour, barley, barley-meal, peas, beans, tares, and callivancies, of the growth of this kingdom, are now allowed to be carried coastwise; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

Barley, barley-meal, and pulse, allowed to be imported, duty free, from any part of Europe, at any time before 1 June, 1767.

CAP. XII.

An act to discontinue, for a limited time, the duties payable upon the importation of tallow, hogs-lard, and grease.

WHEREAS the allowing, for a limited time, the free importation of tallow, hogs-lard, and grease, may tend to the ease of the publick, and advantage of the revenue, by reducing the price, and encouraging the consumption, of candles in this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March, one thousand seven hundred and sixty seven, no subsidy, Preamble,
Tallow, hogs-lard, and grease, unmanufactured in,

to candles or soap, allowed to be imported duty free, for three years, from 25 March, 1767;

tidy, custom, rate, duty, or other imposition whatsoever, shall be demanded, collected, received, or taken, upon any tallow, hogs-lard, or grease, unmanufactured into candles or soap, which shall be imported into this kingdom; but that all such tallow, hogs-lard, and grease, shall and may be imported, duty free, for the space of three years from the said twenty fifth day of *March*, or at any time thereafter before the end of the then next session of parliament; any former law, statute, or act or acts of parliament, to the contrary notwithstanding.

and entry to be madethereof, as usual,

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made of all such tallow, hogs-lard, and grease, at the custom-house belonging to the port into which the same shall be imported, in such manner and form, and expressing the quantities of such tallow, hogs-lard, and grease, as were used and practised before the making of this act; and such tallow, hogs-lard, and grease, shall be landed in the presence of the proper officer or officers of the customs appointed for that purpose: and if any person or persons, upon the importation of any tallow, hogs-lard, or grease, shall not observe and perform the said conditions and directions herein before-mentioned; every such person shall be liable to, and pay, such and the same duties as such tallow, hogs-lard, and grease, would have been liable to if this act had not been made; any thing in this act contained to the contrary notwithstanding.

and landed in the presence of an officer;

otherwise to be liable to pay the duties.

III. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority, of this act: and if it shall appear to have been so done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgement shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

General Issue.

Treble costs.

C A P. XIII.

An act for the regulation of his Majesty's marine forces while on shore.

C A P. XIV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty seven, at 3s. in the pound.

C A P. XV.

An act for giving further time to his Majesty's lieutenants, deputy lieutenants, justices, and clerks of the peace, and others,

others, for carrying into execution certain parts of an act passed in the last session, for pay and cloathing of the militia; and for indemnifying such lieutenants, deputy lieutenants, and clerks of the peace, and others, who have neglected to carry such parts of the said act into execution.

WHEREAS by an act made in the last session of parliament, intituled, An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of Great Britain called England, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty six; and for explaining, mending, and rendering more effectual, several acts of parliament passed in the second, fourth, and fifth years of the reign of his present Majesty, relating to the raising and training the militia within that part of Great Britain called England; it was enacted, That his Majesty's lieutenant, or three deputy lieutenants, for every county, riding, or place, within that part of Great Britain called England, where the militia was or should be raised, should yearly and every year, on or before the twenty fifth day of December, certify be same to the clerk of the peace, and when and at what time the same was first raised, the number and rank of officers, and the number of private men of the militia, in the year when such certificate was made, and the respective times of such militia being trained and exercised in the year in which such certificate is made; which certificate was thereby directed to be by the clerk of the peace, who should receive the same, delivered to the justices of the peace at their general quarter sessions to be held next after the twenty fifth day of December in every year, on the day on which such sessions should be opened, and to be there filed amongst the records of such sessions, so that the true state of the militia in each county might appear: and it was also by the said act enacted, That in every county, riding, or place, wherein such certificate from his Majesty's lieutenant, or three deputy lieutenants, should be delivered to the clerk of the peace as aforesaid, that the clerk of the peace of every such county, riding, or place, should, and as thereby required, at the general quarter sessions of the peace to be held next after the twenty fifth day of December in such year, to certify under his hand and seal to the justices of the peace so assembled at their said general quarter sessions, on the day on which such sessions should be opened, that he had not received from his Majesty's lieutenant of the said county, riding, or place, or any three deputy lieutenants thereof, such certificate as in the said act is directed to be by them made; and such clerk of the peace is thereby directed to file such certificate amongst the records of such sessions: and it is also thereby enacted, That in every county, riding, and place, in which no certificate shall be made by his Majesty's lieutenant, or three deputy lieutenants, in manner as therein directed, and the same should be certified by the clerk of the peace as aforesaid, the justices of the peace of every such county, riding, or place, should, at their said general quarter session of the peace to be held next after the twenty fifth day of December in every year,

Preamble, reciting several clauses in act 6 Geo. 2.

& 12 Geo. 2.

rate and assess the sum of five pounds per man upon such county, riding, or place, in such and the same manner, according to such and the same proportions upon every town, parish, and place, within each respective county, riding, or place, to be collected, levied, received, and accounted for, in such manner and by such means as the county rates had been usually, or might, by an act made in the twelfth year of the reign of his late majesty King George the Second, intituled, An act for the more easy assessing, collecting, and levying the county rates, or by the acts of the second, fourth, and fifth years of his present Majesty's reign, for explaining, amending, and enforcing, the several laws relating to the raising and training the militia within that part of Great Britain called England, be assessed, collected, levied, received, and accounted for; which said payment of five pounds per man was thereby declared to be in full discharge for the neglect and failure of not having raised and trained the militia for such county, riding, or place, for the year then next preceeding; and the treasurer or treasurers of the county, riding, or place, who should receive the said five pounds per man, was and were thereby required to pay the same to the receiver general of the land tax for such county, riding, or place, within one calendar month after he or they should have received the same; and the respective receivers general of the land tax were thereby required to give a receipt for the same to the person paying such money, whose receipt was to be a sufficient discharge for such payment; and said receiver general of the land tax was thereby required, within ten days after the receipt thereof, to certify the same to the lord high treasurer, or the lords commissioners of his Majesty's treasury for the time being, and pay the same into the receipt of his Majesty's Exchequer, in the same manner as he is required to pay the land tax; for the payment of which money so paid to the receiver general, or into the Exchequer, no fee or gratuity was to be given: and whereas it was by the said act also enacted, That such clerks of the peace of each respective county, riding, or place, should, within fourteen days next after the general quarter sessions of the peace to be held after the twenty fifth day of December yearly, transmit to the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, and also to the receiver general of the land tax for such county, riding, or place, a copy, signed by such clerk of the peace, of every certificate which should have been delivered in pursuance of the said act; and in case no such certificate should have been delivered in, then such clerks of the peace were to certify to the lord high treasurer, or to the commissioners of his Majesty's treasury, and also to such receiver general, that no such certificate, from his Majesty's lieutenant, or any three deputy lieutenants, had been received by him, and that he had certified the same to the justices of such general quarter sessions; and should also certify what proceedings were had at such general quarter sessions, in relation to the assessing and rating the said sum of five pounds per man, where the militia should not have been raised in the said year one thousand seven hundred and sixty six: and whereas several of his Majesty's lieutenants, deputy lieutenants, clerks of the peace, justices of the peace, treasurers of counties, and receivers general of the land tax, through ignorance of what was required of them by the herein before recited part

of the said act, or by the rigour of the season at the time the same was to be carried into execution, or otherwise, may have omitted or neglected to do and perform what by the said part of the said act was required of them; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty's lieutenant, or three deputy lieutenants, for every county, riding, or place, within that part of *Great Britain* called *England*, where the militia was raised in and for the year one thousand seven hundred and sixty six, on or before the twenty fifth day of *December* in the said year, and who neglected or omitted to certify the state thereof for the said year to the clerk of the peace, in the manner in the said act directed, on or before the said day, shall, and he or they are hereby required to certify the same to the clerk of the peace, in the manner in the said act directed, on or before the twenty fifth day of *March*, one thousand seven hundred and sixty seven; and such certificate, of the state of the militia in and for the said year one thousand seven hundred and sixty six, so made, shall be, by the clerk of the peace who shall receive the same, delivered to the justices of the peace at their general quarter sessions to be held next after the said twenty fifth day of *March*, one thousand seven hundred and sixty seven, on the day on which such sessions shall be opened, to be then filed amongst the records of such sessions.

II. And be it further enacted, That in every county, riding, or place, wherein no such certificate from his Majesty's lieutenant, or three deputy lieutenants, shall be delivered to the clerk of the peace, on or before the twenty fifth day of *March* aforesaid, that the clerk of the peace of every such county, riding, or place, shall, and he is hereby required, at the general quarter sessions of the peace to be held next after the said twenty fifth day of *March*, to certify under his hand and seal, to the justices of the peace assembled at their said general quarter sessions, on the day such sessions shall be opened, that he hath not received from his Majesty's lieutenant of the said county, riding, or place, or any three deputy lieutenants thereof, any such certificate, as in the said act and this act is directed to be by them made, and such clerk of the peace is hereby directed to file such certificates amongst the records of such sessions.

III. And be it further enacted, That such clerks of the peace of each respective county, riding, or place, shall, within fourteen days next after the general quarter sessions of the peace to be held after the said twenty fifth day of *March*, one thousand seven hundred and sixty seven, transmit to the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, and also to the receiver general of the land tax for such county, riding, or place, a copy, signed by such clerk of the peace, of every certificate which should have been delivered in pursuance of this act; and in case no such certificate shall be delivered in on or before the said twenty fifth day of *March*, one thousand seven hundred

Where the state of the militia, raised for the last year, has not been duly certified to the clerks of the peace, on or before 25 Dec. last, the same is to be certified on or before 25 March, 1767;

and the certificate delivered to the justices at their then next general quarter sessions, and filed; but where no such certificate shall be made,

Clerks of the peace are to certify such omission to the general quarter sessions, and file a certificate thereof.

They are also to transmit to the treasury, and receiver general of the land tax,

a copy of every certificate delivered in pursuance of this act;

and where none are delivered, to certify the same,

with the proceedings of the session, relating to the assessments to be made thereupon.

The assessments are to be made, &c. in the same manner and proportions as the county rates,

by act 12 Geo. 3. or by acts 2, 4, & 5 Geo. 3.

Treasurer of the county to pay the same to the receiver general of the land tax;

who is to certify the same to the treasury; and pay over the money into the Exchequer.

and sixty seven, then such clerks of the peace shall certify to the lord high treasurer, or the commissioners of his Majesty's treasury, and also to such receiver, that no such certificate from his Majesty's lieutenant, or any three deputy lieutenants, had been received by him, and that he had certified the same to the justices of such general quarter sessions; and shall also certify what proceedings were had at such general quarter sessions, in relation to the assessing and rating the said sum of five pounds *per man*, where the militia was not raised in the said year one thousand seven hundred and sixty six.

IV. And it is hereby further enacted, That in every county, riding, and place, in which no certificate shall be made, on or before the said twenty fifth day of *March*, one thousand seven hundred and sixty seven, by his Majesty's lieutenant, or three deputy lieutenants, in manner as therein and herein directed, and the same shall be certified by the clerk of the peace aforesaid, the justices of the peace for every such county, riding, or place, shall, at their said general quarter session of the peace to be held next after the twenty fifth day of *March*, one thousand seven hundred and sixty seven, rate and assess the sum of five pounds *per man* upon such county, riding, or place, in such and the same manner, according to such and the same proportions upon every town, parish, and place, within each respective county, riding, or place, to be collected, levied, received, and accounted for, in such manner, and by such means, as the county rates have been usually, or may, by an act made in the twelfth year of the reign of his late majesty King *George the Second*, intituled, *An act for the more easy assessing, collecting, and levying, the county rates*; or by the acts of the second, fourth, and fifth years of his present Majesty's reign, for explaining, amending, and enforcing, the several laws relating to the raising and training the militia within that part of *Great Britain* called *England*, be assessed, collected, levied, received, and accounted for; which said payments of five pounds *per man* shall, and is hereby declared to be, in full discharge for the neglect and failure of not having raised and trained the militia for such county, riding, or place, in and for the year one thousand seven hundred and sixty six; and the treasurer or treasurers of the county, riding, or place, who shall receive the said five pounds *per man*, is and are hereby required to pay the same to the receiver general of the land tax for such county, riding, or place, within one calendar month after he or they shall receive the same; and the respective receivers general of the land tax are hereby required to give a receipt for the same to the person paying such money, whose receipt shall be a sufficient discharge for such payment; which said receiver general of the land tax is hereby required, within ten days after the receipt thereof, to certify the same to the lord high treasurer, or the lords commissioners of his Majesty's treasury for the time being, and pay the same into the receipt of his Majesty's exchequer, in the same manner as he is required to pay the land tax; for the payment

ment of which money, so paid to the receiver general, or into the exchequer, no fee or gratuity whatsoever shall be given.

V. Provided always, and be it enacted by the authority aforesaid, That if any part of the said act herein before recited, hath, before the said twenty fifth day of *March*, one thousand seven hundred and sixty seven, been begun to be carried into execution by the clerk of the peace, or justices of the peace in their general quarter sessions, of and in any county, riding, or place, wherein the militia was not raised in the year one thousand seven hundred and sixty six, and hath not been totally and finally carried into execution by them, or either of them, before, at, or after, the twenty fifth day of *December*, one thousand seven hundred and sixty six, in the manner, and at the times, in the said act directed; then, and in such case, such clerk of the peace, and justices of the peace in their general quarter sessions, shall proceed to carry this act into execution, in the same manner as if nothing had been done in pursuance of, and obedience to, the said act herein before recited.

If any part of the recited act hath, before 25 Mar. 1767, been begun to be carried into execution by the clerks of the peace, or justices, where the militia was not duly raised, they are then to proceed to carry this act into execution.

VI. And be it further enacted by the authority aforesaid, That all and every lieutenant, deputy lieutenant, clerk of the peace, and all and every other person or persons, who neglected or omitted to do and perform any acts, matters, or things, required of them by the said before in part recited act, or within the respective times in the said act mentioned, directed, appointed, and limited, for the doing and performing thereof, and who shall do and perform such acts, matters, and things, at or within the respective times in this act mentioned, directed, appointed, and limited, for the doing thereof, shall be, and he and they is and are hereby indemnified, freed, and discharged, from and against all suits, actions, indictments, and informations, and from and against all penalties, forfeitures, incapacities, and disabilities, incurred, for or by reason of such neglect or omission as aforesaid.

Persons who have omitted any acts required to be done by the recited act,

performing the same within the times herein limited; are indemnified.

VII. Provided always, That nothing herein contained shall extend, or be construed to extend, to indemnify any lieutenant, deputy lieutenant, clerk of the peace, or any other person or persons who shall neglect or omit to receive, deliver, file, make, record, or transmit, such certificates, as are by this act directed to be received, delivered, filed, made, recorded, or transmitted, or by any other means, neglect the execution of this act, according to the true intent and meaning thereof.

Indemnity not to extend to neglect of delivering and filing certificates,

or executing this act.

VIII. And be it further enacted, That the said in part recited act, and every clause, matter, and thing, therein contained (except the allowance of further time for doing, performing, and executing, such parts thereof, as are mentioned and set forth in this act, and the indemnification herein before-mentioned) shall, to all intents and purposes, be and remain in as full force as if this act had not been made.

The recited act to remain in force, except as to the allowance of further time, and indemnifications, before-mentioned.

IX. And be it further enacted, That in case any action, suit, bill of indictment, or information, shall, from and after the passing of this act, be brought, carried on, or prosecuted,

Persons sued may plead the against general issue.

against any person or persons hereby meant, or intended to be indemnified, re-capacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever; incurred, or to be incurred, by any such neglect or omission; such person or persons may plead the general issue, and, upon their defence, give this act and the special matter in evidence, at any trial to be had thereupon.

C A P. XVI.

An act for raising a certain sum of money by loans or Exchequer bills, for the service of the year one thousand seven hundred and sixty seven.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of *January*, one thousand seven hundred and sixty eight, to cause or direct any loans to be taken or received at his Majesty's Exchequer, from any person or persons, natives, or foreigners, body or bodies politick or corporate, or any number of Exchequer bills to be made out there, for any sum or sums of money, not exceeding in loans and Exchequer bills together, in the whole, the sum of one million eight hundred thousand pounds; in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven*, are enacted and prescribed, concerning the loans or Exchequer bills to be taken or made in pursuance of the said act.

Treasury impowered to raise any sum, not exceeding 1,800,000l. by loans or Exchequer bills:

in the same manner as by the malt act of this session is prescribed, with respect to loans or Exchequer bills thereby authorized to be taken or made.

The clauses in the said act relating to loans or bills,

extended to this act.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or Exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is hereinafter mentioned) shall be applied and

and extended to the loans and Exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or Exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority aforesaid, That no Exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the Exchequer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and sixty eight, received or taken, or pass or be current, to any receiver or collector in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs, or successors, or at the receipt of the Exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment, before the said sixth day of *April*: nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money, of such revenues, aids, taxes, or supplies, in his hands, any Exchequer bill or bills which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money, before the said sixth day of *April*; any thing in the said act made in this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven*, or this act, contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That all such loans or Exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies, for that purpose, shall not be granted before the fifth day of *July*, one thousand seven hundred and sixty eight, then all the said loans or Exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times at or after the said fifth day of *July*, shall be or remain in the receipt of the Exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf;) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same

Exchequer bills so issued, not to be received again in payment of any taxes,

nor exchanged, before 6 *April*, 1768.

Action not to lie for such refusal.

The money so raised, to be repaid out of the next parliamentary aids;

if none be granted before 5 *July*, 1768, then to be charged on the sinking fund,

and paid thereout.

same

same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Monies so issued, to be replaced out of the first supplies.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues, composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Bank of England authorized to advance the said sum on the credit of this act;

notwithstanding act 5 & 6 W. & M.

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England*, to advance or lend to his Majesty, in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money, not exceeding in the whole the sum of one million eight hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

C A P. XVII.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty seven; for the more effectually punishing serjeants, drummers, and fifiers, for misbehaviour and desertion; for securing deserters from the militia regiments; and for explaining and amending so much of an act passed in the last session of parliament, as relates to inlisting militia men into his Majesty's other forces.

Preamble.

Where the militia is or shall be raised, the receiver

WHEREAS it is necessary that provision should be made for defraying the charge of the pay and cloathing for the militia, in that part of Great Britain called England, for one year, from the twenty fifth day of March, one thousand seven hundred and sixty seven; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in every county, riding, or place, within that part of *Great Britain* called *England*, where the militia is or shall be raised, the receiver or receivers

receivers general of the land tax of such county, riding or place respectively, shall issue and pay the whole sums required, in the manner, and for the several uses herein after-mentioned; that is to say, for the pay of the said militia for four calendar months in advance, at the rate of six shillings a day for each adjutant, where an adjutant is appointed; and at the rate of one shilling for each serjeant, with the addition of two shillings and six pence a week for each serjeant major, where a serjeant major is appointed; and at the rate of six pence a day for each drummer, with the addition of six pence a day for each drum major, where a drum major is appointed; and also at the rate of six pence a month for each private man and drummer, for defraying the contingent expences of each regiment, battalion, and independant company of militia, one penny whereof shall be applied for defraying the hospital expences of each regiment, battalion, or independant company, during the time of the mens being from home, upon account of their annual exercise; and also for half a year's salary for the clerk of each regiment or battalion of militia belonging to such county, riding, or place, at the rate of fifty pounds a year; and also for the respective allowances to the clerk of the general meetings, and clerks of the several sub-division meetings, at the rates following; that is to say, To the clerk of the general meetings, at the rate of five pounds five shillings for each meeting; and to the several clerks of the sub-division meetings, at the rate of one pound one shilling for each meeting; and also for the cloathing of the militia for such county, riding, or place, after the rate of three pounds ten shillings for each serjeant, and two pounds for each drummer, with the addition of one pound for each serjeant major, and each drum major; and with respect to the private militia men, where the militia hath been embodied, or having not been embodied, hath not been cloathed within three years, at the rate of one pound ten shillings for each private man.

general of the county is to issue 4 months pay in advance, according to the establishment of pay here set down.

with half a year's salary to the regimental and battalion clerks; and the allowances to the clerks of the general and subdivision meetings; and pay for cloathing of the militia.

II. Provided nevertheless, That in any county, riding, or place, where pay has not yet been issued for the militia, no pay shall be issued until his Majesty's lieutenant, or, in his absence, any three deputy lieutenants, of any such county, riding, or place, shall have certified to the commissioners of his Majesty's treasury, and to the receiver general of the land tax, that three fifths of the number of private militia men of such county, riding, or place, have been inrolled, and that three fifths of the proportion of their commission officers have accepted their commissions, and entered their qualifications as by law required.

The above sums are not to be paid, if pay has not been issued, till the ld. lieut. or deputies shall have certified to the treasury and receiver general and officers.

III. And be it enacted, That all such sums of money aforesaid, except such as shall be due to the several clerks of the meetings aforesaid, and except such as shall be due on account of cloathing, shall, where the militia has never been embodied, be paid by the said receiver or receivers general of the land tax, into the hands of the clerk or clerks of the regiments or battalions

The money is to be paid by the receiver-general to the clerk of the regiment or battalion (except the al-

lowances to the clerks of the meetings) upon producing the warrant of his appointment;

and for independent companies, to the respective captains, or to their order;

according to the establishment laid down in the militia act of a Geo. 3.

A second payment is also to be made within 3 months after the first; and a third within three months after the second.

Receipts of the persons to whom the money shall be so paid, discharge the receivers general.

The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and 3 months pay to each captain, for the serjeants, drum-

lions of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion respectively, notwithstanding such militia shall have been disembodied; and where the militia shall be formed into an independent company, or independent companies, such sums as aforesaid shall be paid by the said receiver or receivers general of the land tax, into the hands of the respective captain of each independent company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intitled to receive pay and cloathing, of which such regiment or regiments, battalion or battalions, independent company or independent companies, shall have been appointed to consist, according to the establishment laid down in an act passed in the second year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England*; and such receiver or receivers general of the land tax shall also, within fourteen days after the expiration of the third calendar month from the time of the said first payment, make a second payment for four calendar months in advance; and shall also, within fourteen days after the expiration of the three calendar months from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforesaid, in the proportions herein before mentioned; and the receipts of such clerk or clerks, and of such captain of an independent company, or captains of independent companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforesaid, shall be a sufficient discharge to such receiver or receivers general of the land tax for the several sums of money so by him or them paid.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforesaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant of such regiment or battalion respectively; and to the captain or commanding officer of each company belonging to such regiment or battalion, two months pay in advance for the serjeants, drummers, and the contingent expences of his respective company; out of which said contingent money each captain shall pay to the commanding officer of each regiment or battalion one penny a month for each private man and drummer, for the defraying the expences of the hospital;

; and also to the commanding officer of the company to he serjeant major and drum major shall belong, two pay in advance for such serjeant and drum major; and time to time so long as any money on that account shall in his hands: which pay every such captain or com- g officer is hereby required to distribute to each person ng to his company, by this act intituled to receive the it shall become due; and shall, once in every year, give e clerk of the regiment or battalion to which such com- all belong, or, if captain of an independant company, to iver general, on account of the several payments he shall ade in pursuance of this act, according to the following

mers, and con- tingent ex- pences of the said company; captain to pay for each man id. per month out of the con- tingent mo- ney, towards charges of the hospital; and for the serjeant-major and drum- major; to be captains to di- or receiver-ge-

he commanding officer of the company to which they belong: he pay accordingly; and account for the same yearly to the clerk, an independant company, according to the following form;

of	Dr.	Per Contra	Cr.
received of Mr. } regimental or } ion clerk, or re- } general, as the case } for two months } advance. — } }		Paid serjeant for days pay from the of to the following — — }	
		<i>Ditto</i> as serjeant major (if one in the company) }	
		Paid serjeant for days pay from the of to the following — — }	
		Paid drummer days at six pence, from the of to the of following — }	
		<i>Ditto</i> as drum major (if one in the company) }	
		Paid drummer days from the of to the of following }	
		Two months contingen- cies for men and two drummers, at six pence per month each }	

all pay back to the said clerk, or to the receiver general, and pay back case shall be, the surplus (if any) of the money by him the surplus time to time received, and then remaining in his hands monies in his hands, except t the money by this act allowed for contingent expences) the contingent shall once in every year be accounted for by the captain expences, company respectively, in manner aforesaid, and the ba- which is to be hereof shall be by him paid into the hands of the clerk of accounted for, iment or battalion to which such company shall belong, pplied to the general use of the said regiment or battalion, and applied to field officers and captains thereof, or the greater part of the general shall direct; and the captain of each independant com- use of the re- giment, &c. hereby required to distribute to each person belonging to Captains of npany intituled thereto, such money as he shall receive by independant virtue

companies to distribute the pay to their men, and apply the money allowed for

virtue of this act; and the said money allowed for the contingent expences of each independant company of militia, shall be respectively applied to the particular use of such independant company, by the captain thereof.

Clerk to retain money in his hands for his own salary.

V. And be it enacted, That the said regimental or battalion clerk may and shall retain to his own use out of the money so by him received, such further sums as shall complete the allowance herein before made for his salary.

When the lieuts. or deputies shall have fixed the days of exercise,

they are to certify the same to the receiver general, specifying the number of men, and days they shall be absent from home.

Receiver general to issue thereupon pay for officers and men to the regimental clerk, &c.

Where there shall be independant companies only, the receiver general is to issue pay to the captains, according to the rate here set down.

Clerk to pay over the money to the respective captains.

Captains to make up their account according to the following form;

VI. And be it further enacted, That whenever his Majesty's lieutenant, or any three or more deputy lieutenants of any county, riding, or place, shall have fixed the days of exercise for the militia, he or they shall, as soon as may be, certify the same to the receiver general of such county, riding, or place, specifying the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver general is hereby required, within fourteen days after the receipt of such certificate, to issue and pay to the clerk of the several regiments or battalions, at the rate of seven shillings and six pence *per* day for the captain of each company, and at the rate of three shillings and six pence *per* day for each lieutenant, and of three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and in such counties where there shall be independant companies only, the receiver general of each such respective county shall issue and pay to the captains of the independant companies, at the rate of seven shillings and six pence *per* day for each captain, three shillings and six pence *per* day for each lieutenant, and three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and the said regimental or battalion clerks are hereby required forthwith to pay the proportion of pay belonging to each captain of the said regiments or battalions, the proportion of pay belonging to each captain, and likewise the pay belonging to their respective companies.

VII. And be it further enacted, That the captain of each company shall make up an account of all monies received and paid by him on account of such exercise, according to the following form:

County of	Dr.	Per Contra	Cr.
To cash received of the regimental or battalion clerk, or receiver general, <i>as the case shall be</i> , for days pay of men	}	Paid militia men days Paid additional pay to corporals days	}
			Which

Which account shall be signed by the said captain, and counter-signed by the commanding officer; and such captain shall, within ten days after the time of such exercise, deliver such account, and pay the balance, if there be any due, to the regimental or battalion clerk; or, if captain of an independant company, to the receiver general: and such accounts shall be allowed as sufficient vouchers in the passing of the accounts of such receiver general, at the receipt of his Majesty's exchequer.

to be signed by them, and counter-signed by the commanding officer, and delivered, with the balance, to the clerk, or receiver general.

Accounts allowed sufficient

VIII. Provided always, and be it enacted, That where any regiment, battalion, or independant company of militia, is or shall be embodied, and called out into actual service, and thereby the officers and private militia men are or shall be intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independant company of militia shall belong, whether to the adjutants, serjeants, private militia men, or others; and all money allowed as aforesaid for the contingent expences of such regiment, battalion, or independant company of militia; and also the allowance to the clerk of such regiment or battalion; shall, during such time of actual service, and until such regiment, battalion, or independant company, shall be disembodied, and return home by order of their commanding officers, cease and not be paid.

During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay and allowances from the receivers general is to cease.

IX. And be it enacted, That the said receiver or receivers of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings; and shall also pay to each and every of the clerks of the subdivision meetings their several allowances, at the rate of one pound one shilling for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant or deputy lieutenants, assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers general of the land tax, a sufficient discharge for the payment of such allowances, and be allowed in his or their account.

Receivers general to pay the allowances to clerks of the general meetings, and to the clerks of the subdivision meetings, upon producing orders from the lieutenant or deputy lieutenants. Orders to discharge receivers general.

X. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia, shall give security to the receiver or receivers general of the land tax of the county, riding, or place, to which such regiment or battalion shall belong, by a bond to his Majesty in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time, have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers general of the land tax for the respective county, riding, or place, who,

Regimental and battalion clerks to give security for paying and accounting for the monies received by them;

the bonds to be lodged with the receivers general, and

put in suit by them on non-performance of the condition; and they are intituled there-upon to full costs and charges, and 5l. per cent. of the money recovered; the residue to be accounted for to the auditor.

The regimental and battalion clerks, and captains of independant companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office.

Recovery of penalties, &c.

No fee payable for any warrant or sum of money issued in pursuance of

Officers on half-pay serving in the militia, may receive the subsistence-money payable to lieutenants or ensigns,

in case the said regimental or battalion clerk shall not form the conditions comprized in the said bond, shal hereby required forthwith to put the said bond in the name of his Majesty, his heirs, and successors; the and charges of which suit, in case judgement shall be gainst such regimental or battalion clerk, shall be paid to the said receiver or receivers general of the land shall likewise be intituled to, and receive to his or their at the rate of five pounds *per centum* out of all such shall be by him or them recovered thereon; and shal for the residue thereof with the proper auditor of his revenue; the said receiver or receivers general of the charging himself or themselves therewith, upon the count of the land tax to be by him or them passed.

XI. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independant company of militia, in every county, riding, and place, w part of *Great Britain* aforesaid, shall, between the tw day of *March* and the twenty fourth day of *June*, one seven hundred and sixty seven, deliver to the receiver or general of the land tax for the county, riding, or which such regiment, battalion, or independant company belong, a fair account in writing, of all monies by him and disbursed for the service of the preceding year, in of this act, with proper vouchers for the same; and back to the said receiver or receivers general of the any surplus of such monies that shall then be in his which said accounts signed by such regimental or clerk, or by such captain of an independant company, shall be transmitted by the said receiver or receiver general of the land tax, into the office of the proper a his Majesty's revenue.

XII. Provided always, and be it enacted, That all the all costs and charges of suit, and all sums of money, for any person or persons is or are by this act made answerable and shall be recovered in any of his Majesty's courts at *Westminster*, by action of debt, bill, plaint, or info wherein no essoin, wager at law, or protection, or m one imparlance, shall be allowed.

XIII. Provided always, and be it enacted, That n gratuity whatsoever shall be given or paid for or upon of any warrant or sum of money which shall be issued tion to, or in pursuance of, this act.

XIV. Provided always, and be it enacted, That an being on half-pay, and serving in the militia, shall a and he is hereby impowered to receive and take the sub money by this act directed to be paid to captains, lieu or ensigns; and the receiving and taking such subsistence by any such captain, lieutenant, or ensign, shall not be a receiving or taking pay, so as in any manner to prov

on half-pay receiving his half-pay; and such person they taking
 ce the following oath before some justice of the peace, the following
 hereby impowered to administer the same; oath before a
 justice.

b. *do swear, That I had not, between the any The oath,
 or employment of profit, civil or military, under his Ma-
 jesty's allowance of half-pay as a reduced in
 late regiment of save and except my sub-
 s a lieutenant or ensign, as the case may be, for serving in
 ia of the county of*

: taking the said oath shall be sufficient to intitle such per-
 ceive his half-pay, without taking any other oath; any
 age, or custom, to the contrary thereof notwithstanding.

And be it further enacted by the authority aforesaid, Receiver ge-
 ne receiver general of the land tax, so soon as he shall neral upon re-
 ceiving a war-
 rant from the
 commanding
 officer, certi-
 fying the re-
 ceipt of the
 cloathing, and
 an order for
 payment, is to
 pay the same
 accordingly:
 a warrant under the hand of the colonel or commanding
 of their respective regiments or battalions, certifying the
 of the cloathing, and an order from the said colonel or
 commanding officer for the money due on account of the same,
 to the person or persons who furnished the said cloath-
 ll pay the sum mentioned in such order to the person
 to receive the same; and such warrant and order, to
 with the receipt of the person receiving the said money,
 a sufficient discharge to such receiver general.

And be it further enacted by the authority aforesaid, If any regi-
 ment, &c.
 shall cease, 3s.
 per diem is to
 be paid to the
 adjutant from
 such time to
 25 March,
 1768.
 case any regiment, battalion, or independant company,
 se and determine, during the continuance of this act,
 of three shillings *per diem* shall be paid to such person
 ctually served as adjutant to such regiment, battalion, or
 ant company, from the time such regiment, battalion,
 endant company shall cease, to the twenty fifth day of
 one thousand seven hundred and sixty eight.

. And whereas by an act made in the last session of par- Clause in the
 it is enacted, That any militia man inlisting himself act of the last
 session, relat-
 ing to militia
 man inlisting
 in any of the
 King's other
 forces,
 of his Majesty's other forces, shall, over and above
 alty or punishment to which any such militia man was
 e deemed to be legally inlisted, and should, from the
 hich his engagement to serve in the militia should end,
 s a soldier to such corps of his Majesty's other forces
 ch he shall have inlisted, and should, till regularly dis-
 , be liable to all the duties of a soldier, and to all pains
 alties inflicted by the act for punishing mutiny and de-
 and the better payment of the army and their quarters:
 reas the said provision hath been found very inconveni-
 d prejudicial to the militia service; be it therefore
 by the authority aforesaid, That the said recited provi- repealed.
 ll be and is hereby repealed.

II. And be it further enacted by the authority aforesaid, Recruiting
 parties from
 the King's
 other forces,
 any
 case any officer, serjeant, or other person recruiting for
 inlist and serve in his Majesty's other forces, shall, at

inlisting militia men;

such inlisting deemed void.

Militia man denying, at the time of inlisting, that he is inrolled, and engaged to serve; or offering to be inrolled, and serve, in any other regiment, &c. of militia, is to be committed for 6 months, over and above any penalty he is liable to by law; and at the end of his engagement shall serve as a soldier in the corps in which he inlisted.

Serjeants, drummers, and fifes,

guilty of misbehaviour, neglect of duty, or disobedience of orders, when the regiment,

any time from and after the passing of this act, wilfully knowingly inlist any person who, at the time of such inlisting shall be inrolled and engaged to serve in any regiment, battalion, or independent company of militia, in that part of Great Britain called England, every such inlisting shall be deemed void; and in case any militia man shall, at any time from and after the passing of this act, deny to any officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, that he is, at the time of his offering to inlist, a militia man then actually inrolled and engaged to serve (which the said officer, serjeant, or other person, is hereby required to ask any man offering to inlist) and shall inlist in his Majesty's other forces, or shall offer himself to be inrolled and serve in the regiment, battalion, or independent company of militia, belonging to any other county, riding, or place; every such person so offending, on conviction thereof by the information and oath of one witness, before a justice of the peace for the county, riding, or place, wherein such person was first inrolled and engaged to serve in the militia (which oath such justice is hereby impowered and required to administer) shall be committed to the common gaol of such county, riding, or place, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be liable by law; and every such person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong as a soldier to such corps of his Majesty's other forces into which he shall have been so inlisted, and shall, till regularly discharged therefrom, be subject to such duties, pains, and penalties, as the soldiers in such corps shall be liable to.

XIX. *And whereas the several powers granted by the laws now in being, relating to the militia forces within that part of Great Britain called England, for punishing serjeants, drummers, and fifes for misbehaviour, disobedience of orders, or neglect of duty, during the time the militia to which they belong is not in actual service, or is not called out to annual exercise, have been found defective and insufficient; be it therefore enacted by the authority aforesaid, That if any serjeant major, serjeant, drum major, drummer, or fife, engaged to serve in any regiment, battalion, or independent company of militia, within that part of Great Britain called England, and who shall have received pay therein at any time from and after the passing of this act, during his engagement to serve in any such regiment, battalion, or independent company, and during the time the militia, to which he shall belong, is not in actual service, or out at annual exercise, shall misbehave, be negligent in his duty, or be disobedient to the orders of the adjutant, or other his superior officer, and be thereof convicted upon the oath of the adjutant, or other his superior officer, or other credible witness, before a justice of the peace for the county, riding, or place, to the militia whereof such serjeant major,*

serjeant, drum major, drummer, or fifer, shall belong to such justice is hereby impowered and required to apprehend; such serjeant major, serjeant, drum major, drummer or fifer, (over and above any penalty or punishment to which he shall be liable by any former law) shall be committed to the common gaol of the county, riding, or place, wherein the offender shall be engaged to serve in the militia, there to remain without bail or mainprize for any time not exceeding six months.

&c. is not in actual service, or out at annual exercise, may (over and above the penalty he is subject to by former acts) be committed for 6 months;

X. And be it further enacted by the authority aforesaid, that in case any serjeant major, serjeant, drum major, drummer, or fifer, during the time the militia to which he shall belong is not in actual service, or out at annual exercise, shall desert from the regiment, battalion, or independant company, in which he shall be inrolled and engaged to serve; it shall and it shall be lawful to and for any headborough, constable, or tythingman, of the town or place where any person who may be reasonably suspected to be such a deserter shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace living in or near such town or place, who hath hereby power to examine and try such suspected person; and if by his confession, or the testimony of one or more witnesses or witnesses, upon oath, or by the verdict of such justice, it shall appear or be found that such person is such a deserter, such justice shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found, or to the house of correction, or other publick prison, in such town or place where such deserter shall be apprehended; and transmit an account thereof to the secretary at war for the time being, to the end such person may be proceeded against as is herein after directed; and the keeper of such gaol, house of correction, or prison, shall receive the subsistence of such deserter, during the time that he or they shall continue in his custody, for the maintenance of the said deserter, but shall not be intitled to any fee or reward on account of his or their imprisonment; any law, usage, or custom, to the contrary notwithstanding,

and deserting, at any such time, may be apprehended, and committed;

of which an account is to be transmitted to the secretary at war, in order to prosecution, &c.

Keeper of the prison to receive the subsistence.

XI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the secretary at war for the time being, upon receiving such account as aforesaid, if such deserter shall be taken out of the county to the militia, that he or they shall belong, to issue out an order, under his hand and seal, to the gaoler or keeper of the prison where such deserter shall be confined, requiring such gaoler or keeper to deliver such deserter to the person or persons therein named, which is hereby required to do; and such person or persons shall upon convey such deserter in such manner, and by such way, as the secretary at war for the time being shall direct, to a justice of the county to the militia, whereof such deserter shall belong, who shall forthwith cause him to be conveyed

Prisoner to be delivered up to the order of the secretary at war;

and conveyed to a justice of the county, &c. in order to commitment;

inlisting militia men;

such inlisting deemed void.

Militia man denying, at the time of inlisting, that he is inrolled, and engaged to serve; or offering to be inrolled, and serve, in any other regiment, &c. of militia, is to be committed for 6 months, over and above any penalty he is liable to by law; and at the end of his engagement shall serve as a soldier in the corps in which he inlisted.

Serjeants, drummers, and fifes,

guilty of misbehaviour, neglect of duty, or disobedience of orders, when the regiment,

any time from and after the passing of this act, will knowingly inlist any person who, at the time of such shall be inrolled and engaged to serve in any regiment, or independent company of militia, in that part of Great Britain called England, every such inlisting shall be deemed void; and in case any militia man shall, at any time after the passing of this act, deny to any officer, or other person recruiting for men to inlist and serve in Majesty's other forces, that he is, at the time of his offering to inlist, a militia man then actually inrolled and engaged (which the said officer, serjeant, or other person, is required to ask any man offering to inlist) and shall in Majesty's other forces, or shall offer himself to be inrolled to serve in the regiment, battalion, or independent company of militia, belonging to any other county, riding, or place, such person so offending, on conviction thereof by the oath and oath of one witness, before a justice of the peace for the county, riding, or place, wherein such person was inrolled and engaged to serve in the militia (which oath is hereby empowered and required to administer) shall be committed to the common gaol of such county, or place, there to remain, without bail or mainprize, for any time not exceeding six months, over and above any penalty or punishment to which such person so offending shall be liable by law; and every such person so offending, on the day on which his engagement to serve in the militia was made, and not sooner, shall belong as a soldier to such county, riding, or place, in Majesty's other forces into which he shall have been inrolled, and shall, till regularly discharged therefrom, be subject to the same duties, pains, and penalties, as the soldiers in such county, riding, or place, shall be liable to.

XIX. *And whereas the several powers granted by the laws made in that behalf, relating to the militia forces within that part of Great Britain called England, for punishing serjeants, drummers, fifes, for misbehaviour, disobedience of orders, or neglect of duty, during the time the militia to which they belong is not in actual service, have been found defective; be it therefore enacted by the authority aforesaid, that if any serjeant major, serjeant, drum major, drummer, fifer, or other person, shall be engaged to serve in any regiment, battalion, or independent company of militia, within that part of Great Britain called England, and who shall have received pay therein at any time from and after the passing of this act, during his engagement to serve in any such regiment, battalion, or independent company, and during the time the militia, to which he shall belong, is in actual service, or out at annual exercise, shall be negligent in his duty, or be disobedient to the orders of his superior officer, or other his superior officer, or other credible witness, before a justice of the peace for the county, riding, or place, to the militia whereof such*

r, serjeant, drum major, drummer, or fifer, shall belong &c. is not in
 ch oath such justice is hereby impowered and required to ad- actual service,
 ster;) such serjeant major, serjeant, drum major, drum- or out at an-
 , or fifer, (over and above any penalty or punishment may annual exercise,
 ch he shall be liable by any former law) shall be committed above the
 ne common gaol of the county, ridings, or place, wherein penalty he is
 a offender shall be engaged to serve in the militia, there to subject to by
 ain without bail or mainprize for any time not exceeding former acts)
 months. be committed
 for 6 months;

XX. And be it further enacted by the authority aforesaid, that in case any serjeant major, serjeant, drum major, drummer, or fifer, during the time the militia to which he shall belong is not in actual service, or out at annual exercise, shall desert from the regiment, battalion, or independant company, in which he shall be inrolled and engaged to serve; it shall and may be lawful to and for any headborough, constable, or tythingman, of the town or place where any person who may be reasonably suspected to be such a deserter shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace living in or near such town or place, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witnesses or witnesses, upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such a deserter, such justice shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found, or to the house of correction, or other publick prison, in such town or place where such deserter shall be apprehended; and transmit an account thereof to the secretary at war for the time being, to the end such person may proceed against as is herein after directed; and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter, during the time that he or they shall continue in his custody, for the maintenance of the said deserter, but shall not be intitled to any fee or reward on account of his or their imprisonment; any law, usage, or custom, to the contrary notwithstanding.

and deserting,
 at any such
 time, may
 be apprehend-
 ed, and com-
 mitted;

of which an
 account is to
 be transmitted
 to the secre-
 tary at war,
 in order to
 prosecution,
 &c.

Keeper of the
 prison to re-
 ceive the sub-
 sistence.

XXI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the secretary at war for the time being, upon receiving such account as aforesaid, if such deserter shall be taken out of the county to the militia whereof he or they shall belong, to issue out an order, under his hand and seal, to the gaoler or keeper of the prison where such deserter shall be confined, requiring such gaoler or keeper to deliver such deserter to the person or persons therein named, which it is hereby required to do; and such person or persons shall thereupon convey such deserter in such manner, and by such way, as the secretary at war for the time being shall direct, to a justice of the county to the militia whereof such deserter shall belong, who shall forthwith cause him to be conveyed

Prisoner to be
 delivered up
 to the order of
 the secretary
 at war;

and conveyed
 to a justice of
 the county,
 &c. in order to
 commitment;

to the gaol, house of correction, or other publick prison in the said county, to the end such deserter may be prosecuted as is herein after directed.

where he is to remain, till the regiment be called forth into service or annual exercise; and he be demanded by his commanding officer,

and a court-martial held for his trial, &c.

And deserting at the time of actual service, or at annual exercise, and shall not be apprehended during such time, he may be proceeded against as in the former case.

Persons apprehending deserters, entitled to 20 s. reward, by warrant from the justice to the regimental clerk.

Penalty of concealing deserters is 5 l.

XXII. And be it further enacted by the authority aforesaid That such deserter shall remain and be kept in such gaol or without bail or mainprize, until such regiment, battalion, independent company of militia, to which such deserter belong, shall be called out to annual exercise, or embodied forth into actual service, which shall first happen the officer then commanding such regiment, battalion, independent company, shall issue out an order under his hand and seal, to the gaoler or keeper of the prison where such deserter shall be confined, requiring such gaoler or keeper to deliver such deserter to the person or persons therein named, which shall be required to do; and such officer commanding such regiment, battalion, or independent company, is hereby impowered and required to summon and hold a court-martial for the trial of such deserter, in such manner and with the same powers and authority as given and directed by the act for punishing desertion, and the better payment of the army at their quarters; and if upon such trial such deserter shall be found guilty, it shall and may be lawful to punish him in such manner as such court-martial shall in their discretion think fit, according to the powers and provision of the articles of war, and the act for punishing mutiny and desertion, and the better payment of the army and their quarters.

XXIII. And be it further enacted by the authority aforesaid That if any serjeant major, serjeant, drum major, drummer, or fifer, shall desert, during the time the regiment, battalion, independent company, in which he shall be enrolled and engaged to serve, shall be in actual service, or at annual exercise, and shall not be apprehended during such time, such deserter shall and may be apprehended and proceeded against in the same manner as is herein before directed in the case of such serjeant major, serjeant, drum major, drummer, or fifer, deserting during the time the militia to which he shall belong is not in actual service, or out at annual exercise.

XXIV. And, for the better encouragement of any person who shall apprehend and secure such deserters as aforesaid, be it enacted, That the justice of the peace before whom any such deserter shall be committed, shall and may issue his warrant under his hand and seal, directing the clerk of the regiment, battalion, or independent company, to which such deserter shall belong, directing such clerk to pay out of the stock belonging to such regiment, battalion, or independent company, into the hands of such person who shall apprehend any such deserter, the sum of twenty shillings for every deserter that shall be so apprehended and committed.

XXV. Provided always, That if any person shall conceal, or assist, any such deserter, knowing the person so offending shall forfeit, for every

put in suit by them on non-performance of the condition; and they are intituled thereupon to full costs and charges, and 5l. per cent. of the money recovered; the residue to be accounted for to the auditor.

The regimental and battalion clerks, and captains of independant companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office.

Recovery of penalties, &c.

No fee payable for any warrant or sum of money issued in pursuance of

Officers on half-pay serving in the militia, may receive the subsistence-money payable to lieutenants or ensigns,

in case the said regimental or battalion clerk shall not duly perform the conditions comprized in the said bond, shall, and is hereby required forthwith to put the said bond in suit in the name of his Majesty, his heirs, and successors; the full costs and charges of which suit, in case judgement shall be given against such regimental or battalion clerk, shall be paid by him to the said receiver or receivers general of the land tax, who shall likewise be intituled to, and receive to his or their own use, at the rate of five pounds *per centum* out of all such monies as shall be by him or them recovered thereon; and shall account for the residue thereof with the proper auditor of his Majesty's revenue; the said receiver or receivers general of the land tax charging himself or themselves therewith, upon the next account of the land tax to be by him or them passed.

XI. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independant company of militia, in every county, riding, and place, within the part of *Great Britain* aforesaid, shall, between the twenty fifth day of *March* and the twenty fourth day of *June*, one thousand seven hundred and sixty seven, deliver to the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independant company shall belong, a fair account in writing, of all monies by him received and disbursed for the service of the preceding year, in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers general of the land tax, any surplus of such monies that shall then be in his hands; which said accounts signed by such regimental or battalion clerk, or by such captain of an independant company respectively, shall be transmitted by the said receiver or receivers general of the land tax, into the office of the proper auditor of his Majesty's revenue.

XII. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money, for which any person or persons is or are by this act made answerable, may and shall be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no *essoin*, *wager at law*, or protection, or more than one *imparlance*, shall be allowed.

XIII. Provided always, and be it enacted, That no fee or gratuity whatsoever shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to, or in pursuance of, this act.

XIV. Provided always, and be it enacted, That any person being on half-pay, and serving in the militia, shall and may, and he is hereby empowered to receive and take the subsistence-money by this act directed to be paid to captains, lieutenants, or ensigns; and the receiving and taking such subsistence-money by any such captain, lieutenant, or ensign, shall not be deemed a receiving or taking pay, so as in any manner to prevent such person

person on half-pay receiving his half-pay; and such person shall take the following oath before some justice of the peace, who is hereby impowered to administer the same; they taking the following oath before a justice.

I A. B. do swear, That I had not, between the any The oath.
place or employment of profit, civil or military, under his Majesty, besides my allowance of half-pay as a reduced in
late regiment of save and except my sub-
sistence as a lieutenant or ensign, as the case may be, for serving in
the militia of the county of

And the taking the said oath shall be sufficient to intitle such person to receive his half-pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the receiver general of the land tax, so soon as he shall receive a warrant under the hand of the colonel or commanding officer of their respective regiments or battalions, certifying the receipt of the cloathing, and an order from the said colonel or commanding officer for the money due on account of the same, payable to the person or persons who furnished the said cloathing, shall pay the sum mentioned in such order to the person intitled to receive the same; and such warrant and order, together with the receipt of the person receiving the said money, shall be a sufficient discharge to such receiver general. Receiver general upon receiving a warrant from the commanding officer, certifying the receipt of the cloathing, and an order for payment, is to pay the same accordingly.

XVI. And be it further enacted by the authority aforesaid, That in case any regiment, battalion, or independant company, shall cease and determine, during the continuance of this act, the sum of three shillings *per diem* shall be paid to such person as has actually served as adjutant to such regiment, battalion, or independant company, from the time such regiment, battalion, or independant company shall cease, to the twenty fifth day of *March*, one thousand seven hundred and sixty eight. If any regiment, &c. shall cease, 3s. per diem is to be paid to the adjutant from such time to 25 March, 1768.

XVII. And whereas by an act made in the last session of parliament, it is enacted, That any militia man inlisting himself into any of his Majesty's other forces, shall, over and above any penalty or punishment to which any such militia man was liable, be deemed to be legally inlisted, and should, from the day on which his engagement to serve in the militia should end, belong as a soldier to such corps of his Majesty's other forces into which he shall have inlisted, and should, till regularly discharged, be liable to all the duties of a soldier, and to all pains and penalties inflicted by the act for punishing mutiny and desertion, and the better payment of the army and their quarters: and whereas the said provision hath been found very inconvenient, and prejudicial to the militia service; be it therefore enacted by the authority aforesaid, That the said recited provision shall be and is hereby repealed. Clause in the act of the last session, relating to militia man inlisting in any of the King's other forces, repealed.

XVIII. And be it further enacted by the authority aforesaid, That in case any officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, shall, at any Recruiting parties from the King's other forces,

inlisting militia men;

such inlisting deemed void.

Militia man denying, at the time of inlisting, that he is inrolled, and engaged to serve; or offering to be inrolled, and serve, in any other regiment, &c. of militia, is to be committed for 6 months, over and above any penalty he is liable to by law; and at the end of his engagement shall serve as a soldier in the corps in which he inlisted.

Serjeants, drummers, and fifes,

guilty of misbehaviour, neglect of duty, or disobedience of orders, when the regiment,

any time from and after the passing of this act, wilfully and knowingly inlist any person who, at the time of such inlisting, shall be inrolled and engaged to serve in any regiment, battalion, or independant company of militia, in that part of *Great Britain* called *England*, every such inlisting shall be deemed null and void; and in case any militia man shall, at any time from and after the passing of this act, deny to any officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, that he is, at the time of his offering to inlist, a militia man then actually inrolled and engaged to serve; (which the said officer, serjeant, or other person, is hereby required to ask any man offering to inlist) and shall inlist in his Majesty's other forces, or shall offer himself to be inrolled and serve in the regiment, battalion, or independant company of militia, belonging to any other county, riding, or place; every such person so offending, on conviction thereof by the information and oath of one witness, before a justice of the peace for the county, riding, or place, wherein such person was first inrolled and engaged to serve in the militia (which oath such justice is hereby impowered and required to administer) shall be committed to the common gaol of such county, riding, or place, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be liable by law; and every such person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong as a soldier to such corps of his Majesty's other forces into which he shall have been so inlisted, and shall, till regularly discharged therefrom, be subject to such duties, pains, and penalties, as the soldiers in such corps shall be liable to.

XIX. *And whereas the several powers granted by the laws now in being, relating to the militia forces within that part of Great Britain called England, for punishing serjeants, drummers, and fifers, for misbehaviour, disobedience of orders, or neglect of duty, during the time the militia to which they belong is not in actual service, or is not called out to annual exercise, have been found defective and insufficient; be it therefore enacted by the authority aforesaid, That if any serjeant major, serjeant, drum major, drummer, or fifer, engaged to serve in any regiment, battalion, or independant company of militia, within that part of Great Britain called England, and who shall have received pay therein at any time from and after the passing of this act, during his engagement to serve in any such regiment, battalion, or independant company, and during the time the militia, to which he shall belong, is not in actual service, or out at annual exercise, shall misbehave, be negligent in his duty, or be disobedient to the orders of the adjutant, or other his superior officer, and be thereof convicted upon the oath of the adjutant, or other his superior officer, or other credible witness, before a justice of the peace for the county, riding, or place, to the militia whereof such serjeant major,*

major, serjeant, drum major, drummer, or fifer, shall belong (which oath such justice is hereby impowered and required to administer;) such serjeant major, serjeant, drum major, drummer, or fifer, (over and above any penalty or punishment to which he shall be liable by any former law) shall be committed to the common gaol of the county, riding, or place, wherein such offender shall be engaged to serve in the militia, there to remain without bail or mainprize for any time not exceeding six months.

&c. is not in actual service, or out at annual exercise, may (over and above the penalty he is subject to by former acts) be committed for 6 months;

XX. And be it further enacted by the authority aforesaid, That in case any serjeant major, serjeant, drum major, drummer, or fifer, during the time the militia to which he shall belong is not in actual service, or out at annual exercise, shall desert from the regiment, battalion, or independant company, in which he shall be inrolled and engaged to serve; it shall and may be lawful to and for any headborough, constable, or tythingman, of the town or place where any person who may be reasonably suspected to be such a deserter shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace living in or near such town or place, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witnesses or witnesses, upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such a deserter, such justice shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found, or to the house of correction, or other publick prison, in such town or place where such deserter shall be apprehended; and transmit an account thereof to the secretary at war for the time being, to the end such person may be proceeded against as is herein after directed; and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter, during the time that he or they shall continue in his custody, for the maintenance of the said deserter, but shall not be intitled to any fee or reward on account of his or their imprisonment; any law, usage, or custom, to the contrary notwithstanding.

and deserting, at any such time, may be apprehended, and committed;

of which an account is to be transmitted to the secretary at war, in order to prosecution, &c.

Keeper of the prison to receive the subsistence.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the secretary at war for the time being, upon receiving such account as aforesaid, if such deserter shall be taken out of the county to the militia whereof he or they shall belong, to issue out an order, under his hand and seal, to the gaoler or keeper of the prison where such deserter shall be confined, requiring such gaoler or keeper to deliver such deserter to the person or persons therein named, which he is hereby required to do; and such person or persons shall thereupon convey such deserter in such manner, and by such means, as the secretary at war for the time being shall direct, before a justice of the county to the militia whereof such deserter shall belong, who shall forthwith cause him to be conveyed

Prisoner to be delivered up to the order of the secretary at war;

and conveyed to a justice of the county, &c. in order to commitment;

to the gaol, house of correction, or other publick prison, within the said county, to the end such deserter may be proceeded against as is herein after directed.

where he is to remain, till the regiment be called forth into service or annual exercise; and he be demanded by his commanding officer,

and a court-martial held for his trial, &c.

XXII. And be it further enacted by the authority aforesaid, That such deserter shall remain and be kept in such gaol or prison without bail or mainprize, until such regiment, battalion, or independant company of militia, to which such deserter shall belong, shall be called out to annual exercise, or embodied and called forth into actual service, which shall first happen; and the officer then commanding such regiment, battalion, or independant company, shall issue out an order under his hand and seal, to the gaoler or keeper of the prison where such deserter shall be confined, requiring such gaoler or keeper to deliver such deserter to the person or persons therein named, which he is hereby required to do; and such officer commanding such regiment, battalion, or independant company, is hereby impowered and required to summon and hold a court-martial for the trial of such deserter, in such manner and with the same power and authority as given and directed by the act for punishing mutiny and desertion, and the better payment of the army and their quarters; and if upon such trial such deserter shall be found guilty, it shall and may be lawful to punish him in such manner as such court-martial shall in their discretion think fit, agreeable to the powers and provision of the articles of war, and the said act for punishing mutiny and desertion, and the better payment of the army and their quarters.

And deserting at the time of actual service, or at annual exercise, and shall not be apprehended during such time, he may be proceeded against as in the former case.

Persons apprehending deserters, intitled to 20 s. reward, by warrant from the justice to the regimental clerk.

XXIII. And be it further enacted by the authority aforesaid, That if any serjeant major, serjeant, drum major, drummer, or fifer, shall desert, during the time the regiment, battalion, or independant company, in which he shall be enrolled and be engaged to serve, shall be in actual service, or at annual exercise, and shall not be apprehended during such time, such deserter shall and may be apprehended and proceeded against in the same manner as is herein before directed in the case of such serjeant major, serjeant, drum major, drummer, or fifer, deserting, during the time the militia to which he shall belong is not in actual service, or out at annual exercise.

XXIV. And, for the better encouragement of any person to apprehend and secure such deserters as aforesaid, be it further enacted, That the justice of the peace before whom any such deserter shall be committed, shall and may issue his warrant in writing to the clerk of the regiment, battalion, or independant company, to which such deserter shall belong, directing and requiring such clerk to pay out of the stock belonging to such regiment, battalion, or independant company, into the hands of such person who shall apprehend any such deserter, the sum of twenty shillings for every deserter that shall be so apprehended and committed.

Penalty of concealing deserters is 5 l.

XXV. Provided always, That if any person shall harbour, conceal, or assist, any such deserter, knowing him to be so, the person so offending shall forfeit, for every such offence, the sum of

of five pounds; to be levied and recovered in the same manner as any penalties of forfeitures are to be levied and recovered in and by an act of the second year of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training of the militia within that part of Great Britain called England.* to be levied as
act 2 Geo. 3.
directs.

C A P. XVIII.

An act to enable the trustees of the British museum to exchange, sell, or dispose of, any duplicates of printed books, medals, coins, or other curiosities; and for laying out the money arising by such sale in the purchase of other things that may be wanting in, or proper for, the said museum.

WHEREAS by an act of parliament passed in the twenty sixth Preamble.
year of the reign of his late majesty King George the second, intituled, *An act for the purchase of the museum, or collection of sir Hans Sloane, and of the Harleian collection of manuscripts; and for better providing one general repository for the better reception, and more convenient use, of the said collection, and of the Cottonian library, and of the additions thereto; it is, amongst other things, enacted, that within the cities of London or Westminster, or the suburbs thereof, one general repository should be erected or provided in such convenient place, and in such manner, as the trustees thereby appointed, or the major part of them, at a general meeting assembled, should direct, for the reception not only of the said museum, or collection of sir Hans Sloane, but also of the Cottonian library, and of the additions which had been or should be made thereto, by virtue of the last will and testament of Arthur Edwards esquire in the said act named, and likewise of the said Harleian collection of manuscripts, and of such other additions to the said Cottonian library as, with the approbation of the trustees by the said act appointed, or the major part of them, at a general meeting assembled, should be made thereunto, in manner therein after mentioned; and of such other collections and libraries as, with the like approbation, should be admitted into the said general repository; and that the said several collections, additions, and library, so received into the said general repository, should remain and be preserved therein, for publick use, to all posterity: and whereas the said collections have been greatly increased by considerable donations from his Majesty, and the gifts of several noblemen and others; and it is probable that great additions will hereafter be made thereto: and whereas there are now, and there may hereafter be, in the various departments of the British museum, many duplicates of printed books, medals, coins, and other curiosities, which it would be proper to dispose of, in order to make room for others: may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said trustees, and their successors, or any five or more of them, at any meeting, Five or more
trustees are
impowered to
order any du-*

plicates of printed books, medals, coins, &c. to be exchanged, for manuscripts, &c. or to be sold; and the money laid out in purchasing such as may be wanting, or proper.

meeting assembled, and they are hereby authorized and impowered, from time to time, and at all times hereafter, to order any duplicates of printed books, medals, coins, or other curiosities, to be exchanged for manuscripts, books, medals, coins, or other curiosities; or to direct any such duplicates of printed books, medals, coins, or other curiosities, to be sold or disposed of, and the money to arise by such sale to be laid out in the purchase of manuscripts, books, medals, coins, and other curiosities, that may be wanting in, or proper for, the said museum; the said herein before recited act of parliament, or any other act, matter, or thing, to the contrary thereof in any wise notwithstanding.

C A P. XIX.

An act to enable his Majesty to settle certain annuities on their royal highnesses the dukes of York, Gloucester, and Cumberland.

Most gracious Sovereign,

Preamble, reciting clauses in act 1 Geo. 3.

WHEREAS your Majesty hath been pleased to recommend to the consideration of your faithful commons, that a more competent provision should be made for the honourable support and maintenance of your Majesty's royal brothers, the dukes of York, Gloucester, and Cumberland, than the present necessary charges upon your Majesty's civil list have permitted your Majesty to make: and whereas by an act made in the first year of your Majesty's reign, intituled, An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain; the duties and revenues commonly called The Hereditary Revenues, together with several temporary duties and revenues thereby continued, and all other branches and revenues which, on the twenty fourth day of October, one thousand seven hundred and sixty, stood settled or appointed, to be towards the support of the household of his late majesty King George the second, of blessed memory, and the honour and dignity of the crown, were (except as is therein excepted) directed to be, during your Majesty's life, carried to, and made part of, the general or aggregate fund established by an act made in the first year of the reign of his late majesty King George the first; and for the support of your Majesty's household, and of the honour and dignity of your crown, a certain yearly rent or rents, or sum or sums of money, was or were by the said act granted out of the said fund: and whereas by an act made in the first year of the reign of her late majesty Queen Anne, for preserving the inheritance of several revenues of the crown, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown; all grants thereof (other than such as are therein expressed) are declared to be void: and by another act made in the ninth year of her said late Majesty's reign, intituled, An act for establishing a general post office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions, it was enacted, That such part of the duties and revenues arising in or by the general

1 Annæ.

9 Annæ.

neral letter office or post office, which was thereby vested in her said late Majesty, her heirs, and successors, and therein mentioned to be undeterminable, should not be alienable, chargeable, or grantable, for any estate, term, or time whatsoever, to endure longer than the life of the King or Queen that should make such alienation, charge, or grant respectively: and that all gifts, grants, alienations, and assurances whatsoever, to be had or made of, and charged upon, the same duties or revenues, or any part thereof, contrary to the provision of that act, should be null and void: and by an act made in the fifth year of your Majesty's reign, intituled, An act to alter certain rates of postage, and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post office; it was enacted, That all the monies arising by the rates therein before-mentioned (except as is therein excepted) should be appropriated and applied to such and the same uses to which the then rates of postage were respectively by law appropriated and made applicable: now we having taken into consideration the necessary charges upon your Majesty's civil list revenue, arising from the present state of your royal family, more numerous in its branches than these your kingdoms have had the happiness of seeing it in any former reign; and thinking it highly just and reasonable that your Majesty should be enabled to make such provision for the honourable support and maintenance of their said royal highnesses, as may be suitable to their high rank and many princely accomplishments, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent or indenture, or by several letters patent or indentures, under the great seal of Great Britain, hereafter to be made, to give and grant unto his dearly beloved and royal brothers the respective annuities or yearly rents or sums following; that is to say, one annuity or yearly rent or sum of eight thousand pounds of lawful money of Great Britain, unto his royal highness Edward Augustus duke of York, for and during his natural life; one other annuity or yearly rent or sum of eight thousand pounds of lawful money of Great Britain, unto his royal highness William Henry duke of Gloucester, for and during his natural life; and one other annuity or yearly rent or sum of eight thousand pounds of lawful money of Great Britain, unto his royal highness Henry Frederick duke of Cumberland, for and during his natural life: which said respective annuities, or yearly rents or sums, and every part thereof, shall commence and take effect from the fifth day of January, in the year of our lord one thousand seven hundred and sixty seven; and shall be paid and payable at the four usual days of payment in the year; that is to say, the fifth day of April, the fifth day of July, the tenth day of October, and the fifth day of January, by even and equal portions; the first payment thereof to be made at the fifth day of April, in the year of our

& 5 Geo. 3.

His Majesty
impowered by
letters patent,
or indentures
under the
great seal,
to grant an
annuity of
8,000l. unto
his royal
highness the
duke of York;
and a like an-
nuity to his
royal highness
the duke of
Gloucester;
and a like an-
nuity to his
royal highness
the duke of
Cumberland;
to commence
from 5 Jan.
1767,
and to be paid
quarterly;
viz.
on 5 April,
5 July,

10 October, & 5 January.
First payment to be made on 5 April, 1767; and to be payable out of the Aggregate fund, during the continuance of act 1 Geo. 3.

and after the expiration thereof, then out of such of the hereditary duties, &c. as were made part of the said fund by the said act, or out of such of the rates of postage, granted by act 5 Geo. 3. as shall then belong to the crown.

The said annuities, during the continuance of the act 1 Geo. 3. are to be paid at the Exchequer; and afterwards either there, or by the receivers of the revenues, &c. on which they are charged; and to be paid without any fees, or charges,

and to be also tax-free.

Lord one thousand seven hundred and sixty seven; and that the said respective annuities, or yearly rents or sums, shall and may, by such letters patent, indenture or indentures, be directed, during the continuance of the said act made in the first year of his present Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, to be issuing and payable out of, or charged and chargeable upon, the duties and revenues composing the said fund commonly called *The General or Aggregate Fund*, and every or any of them (after paying, or reserving sufficient to pay, all such sum and sums of money as hath or have been directed by any former act or acts of parliament to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon, and payable out of, the said fund) and from and immediately after the expiration of the said act, to be issuing and payable out of, or charged and chargeable upon, all or any part or parts of such of the said hereditary duties, revenues, and branches, as were thereby carried to, and made part of, the said general or aggregate fund, and shall be then subsisting; and of such part of the rates of postage, granted by the said act made in the fifth year of the reign of his present Majesty, intituled, *An act to alter certain rates of postage, and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post office*, as shall then belong to, and be part of, the hereditary revenue of the crown.

II. And it is hereby further enacted by the authority aforesaid, That the said annuities or yearly rents or sums respectively shall, during the continuance of the said act made in the first year of his Majesty's reign, be paid and payable at the receipt of his Majesty's Exchequer; and from and immediately after the expiration of the said act, either at the said receipt, or by and from the immediate hands of all and every the commissioners, farmers, treasurers, or receivers, for the time being, of the hereditary duties, revenues, and branches aforesaid, respectively, upon which the said respective annuities or yearly rents or sums, or any part or parts thereof, shall be charged by virtue of this act; and that all the said annuities, or yearly rents or sums, shall be paid and payable without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the acquittance or acquittances, receipt or receipts, of their said royal highnesses respectively, or of such other person or persons as shall be by them respectively authorized and appointed to receive any such annual or yearly rent or sum, or any part thereof, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for, had, or obtained in that behalf; and that the said respective annuities, or yearly rents or sums, and every part thereof, shall be free and clear as well from the rates and assessments granted by an act made in this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service*

of the year one thousand seven hundred and sixty seven, as from all taxes, impositions, and other publick charges whatsoever.

III. Provided always, That if the said respective annuities, or yearly rents or sums, or any or either of them, or any part thereof, shall cease to be chargeable upon and payable out of the said general or aggregate fund, or any part thereof, and shall become chargeable upon and payable out of all or any of the said hereditary duties, revenues, and branches, between any two of the said quarterly days of payment; then, and in such case, such annuities respectively shall, at the next quarter day, be payable at the receipt of the Exchequer out of the said general or aggregate fund, and out of the said hereditary duties, revenues, and branches, in proportion to the times during which the same were in the course of such quarter so chargeable and payable; any thing herein before contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That if the officers of the receipt of his Majesty's Exchequer, or the said commissioners, farmers, treasurers, or receivers, for the time being, of all or any of the hereditary duties, revenues, or branches aforesaid, upon which the said respective annuities, or yearly rents or sums, or any part or parts thereof, shall be charged as aforesaid, shall refuse or neglect to pay the said respective annuities, or yearly rents or sums, or any part thereof, according to the true intent of this act, and of such letters patent, indenture, or indentures, to be granted by his Majesty as aforesaid; or to do any act necessary to enable any or either of their said royal highnesses, or any person or persons by them respectively authorized and appointed, to receive the same; then each and every of their said royal highnesses respectively, to whom such annuity, or yearly rent or sum, shall have been granted, or such other person or persons who shall be so authorized or appointed to receive the same, or any part thereof, so neglected or refused to be paid, may, from time to time, sue, prosecute, or implead, such officers, commissioners, farmers, treasurers, or receivers, or any of them, or all or any of their securities, heirs, executors, and administrators, by bill, plaint, or action of debt; and shall and may recover judgements, and sue out executions thereupon, against such officers, commissioners, farmers, treasurers, or receivers respectively, and their respective securities, heirs, executors, and administrators, for such sum and sums of money then due and owing upon any such respective annuity, or yearly rent or sum, or any part thereof, as shall be in the hands of any such officers, commissioners, farmers, treasurers, or receivers respectively, at the time or times when demand shall have been legally made of the payment of such respective annuity, or yearly rent or sum, or any part thereof, as aforesaid, or for the refusal or neglect to do any act necessary to be done to enable any or either of their said royal highnesses, or any person or persons by them respectively authorized and appointed, to receive the same.

V. And be it further enacted by the authority aforesaid, That all and every the powers, precepts, directions, and clauses, to be contained

If the annuities shall cease to be chargeable on the aggregate fund, and become payable out of the hereditary revenues, between any two of the quarterly days of payment; they are then to be apportioned out of both. Officers refusing, or neglecting to pay the said annuities when due and demanded,

or to do any act necessary to the regular payment thereof,

are liable to be sued.

The powers, directions, and clauses, contained in

the said letters patent,

declared to be good in law according to the tenor and purport thereof, notwithstanding the acts of 1 & 9 Annæ.

Reservation of rights.

contained in his Majesty's letters patent, indenture or indentures, hereafter to be made as aforesaid, for the better and more certain payment and assurance of the said respective annuities, or yearly rents or sums, and for making the said respective revenues, or any of them, or any part or parts thereof, liable thereunto as aforesaid, shall be good and effectual in the law, according to the tenor and purport thereof in the said letters patent, indenture or indentures, to be expressed, notwithstanding any restriction or other matter or thing contained in the said act of parliament made in the first year of her late Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; and notwithstanding any restriction or other matter or thing contained in the said act made in the ninth year of her said late Majesty's reign, for establishing the post office, or in any other act or acts of parliament; and any mis-recital, non-recital, omission, or other defect, in the said letters patent, indenture or indentures hereafter to be made, in any wise notwithstanding.

VI. Saving to all and every person and persons, bodies polittick and corporate, their heirs, executors, administrators, and assigns (other than to the King's majesty, his heirs and successors) all such right, title, interest, and demand whatsoever, which they, or any of them, have, or may have, of, in, to, or out of, the revenues aforesaid, or any of them, or any part thereof, before the making of this act, as fully and effectually, to all intents and purposes, as if this act had not been made; any thing herein contained to the contrary notwithstanding.

C A P. XX.

An act for granting to his Majesty additional duties upon bast, or straw, chip, cane, and horse-hair hats and bonnets, and upon certain materials for making the same, imported into this kingdom.

Preamble.

Additional duties granted upon importation of the said goods; viz.

6s. per dozen upon hats and bonnets;

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, towards raising the necessary supplies for defraying your Majesty's public expences, have resolved to give and grant unto your Majesty the several rates and duties hereinafter mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, the several additional rates and duties following; that is to say,

For every dozen of bast, or straw, chip, cane, and horse-hair hats and bonnets, which, from and after the second day of April,

April, one thousand seven hundred and sixty seven, shall be imported into any port or place in this kingdom, the sum of six shillings.

For every pound weight, *Avoirdupois*, of plating, or other manufacture, of bast, or straw, chip, cane, or horse-hair, to be used in, or proper for, making of hats or bonnets, which, from and after the said second day of *April*, one thousand seven hundred and sixty seven, shall be imported into any port or place in this kingdom, the sum of six shillings.

and 6 s. per lb. wt. upon the materials for making the same ;

And after those rates for any greater or less quantities of such goods respectively, over and above all other duties imposed thereon by any former act of parliament.

II. And be it further enacted by the authority aforesaid, That the said duties shall be paid down in ready money, without any discount or allowance ; and shall not be afterwards drawn back or repaid upon the exportation of the same goods, otherwise than is hereafter provided ; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, not hereby altered, and under such penalties and forfeitures, as are prescribed or appointed for raising, levying, collecting, and paying, the former duties of customs upon bast or straw hats imported into this kingdom, by any act or acts of parliament now in force, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures respectively relating thereto, were particularly repeated and again enacted in the body of this present act.

to be paid down in ready money, without any discount ; and to be raised and paid as the former duties, &c.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That for such of the said goods as shall, upon landing, be immediately lodged and secured under the King's locks, in warehouses provided at the sole expence of the importer or proprietor of such goods, with the privity and approbation, and under the care and inspection, of the commissioners or principal officers of the customs for the port where such goods shall be imported, the said duties, by this act granted, shall not be paid down till such time as the said goods shall be taken out of such warehouse by the proprietor thereof ; and if such goods so taken out of such warehouse as aforesaid shall, within the space of twelve months, be afterwards exported to any country or place from whence, by any law now in force, certificates are required to be produced under the hands and seals of the collector and comptroller or surveyor of the customs of the port or place, or any two of them, where such goods shall be landed, testifying the landing thereof, before any drawback is to be paid for the same, and to no other country or place whatsoever ; the proprietor or owner of such goods, so exported as aforesaid, upon producing such certificate testifying the landing of such goods, in the manner and within the time required by such law, shall be forthwith repaid a drawback or allowance of one half of the duty granted by this act, and paid for such goods ; which drawback or allowance shall be made in the same manner, and under

Duties not to be paid for such of the said goods as shall, upon landing, be secured under the King's locks, till they are taken out of the warehouses ; and if duly exported, and certified for, within the time limited ;

a drawback is to be repaid of one half of the duties.

under

under such regulations, penalties, and forfeitures, in all respects, as any former drawback or allowance, payable out of the duties of customs upon the exportation of any goods out of the same places, was, could, or might be made, by virtue of any act now in force.

These duties to be paid into the Exchequer,

apart from all other monies; and to be applied as any act of this session shall direct.

IV. And be it further enacted by the authority aforesaid, That the money arising by the said rates and duties (except the necessary charges of raising, collecting, recovering, and paying the same) shall, from time to time, be paid into the receipt of his Majesty's Exchequer at *Westminster*, distinctly and apart from all other branches of the publick revenue, and shall be subject and liable to such uses, applications, and purposes, as shall, by any act or acts of parliament in this session, be directed and appointed.

C A P. XXI.

An act to obviate inconveniencies which may arise with respect to the execution of several acts of parliament in such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the quorum qualified to act within the same.

Preamble.

WHEREAS authority is given by divers acts of parliament to two or more justices of the peace, whereof one or more are to be of the quorum: and whereas many inconveniencies have arisen in such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the quorum qualified to act within the same: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this present act, all acts, orders, adjudications, warrants, indentures of apprenticeship, or other instruments, which shall be made, done, or executed, by virtue of any act or acts of parliament made or to be made, by two or more justices of the peace qualified to act within such cities, boroughs, towns corporate, franchises, and liberties, though neither of the said justices are of the quorum, shall be valid and effectual in law, to all intents and purposes, as if one of the said justices had been of the quorum; any law, statute, or usage, to the contrary notwithstanding.

Two or more justices, tho' not of the quorum, empowered to carry certain acts into execution.

C A P. XXII.

An act for further allowing the importation of wheat and wheat flour, barley, barley-meal, and pulse, free of duty, into this kingdom from any part of Europe.

Preamble.

WHEREAS by an act passed in this session of parliament, the free importation of wheat and wheat flour, barley, barley-meal, pulse, beans, tares, and callivancies, from any part of Europe into this kingdom, is permitted till the first day of June, one thousand seven hundred and sixty seven: and whereas the allowing such importation for a further time will be advantageous to his Majesty's subjects:

jeſ: may it therefore pleaſe your moſt excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons whatſoever to import into *Great Britain*, in any ſhip or veſſel whatſoever, at any time or times before the tenth day of *September*, one thouſand ſeven hundred and ſixty ſeven, any wheat or wheat flour, barley, barley-meal, peas, beans, tares, or callivancies, from any part of *Europe*, without the payment of any ſubſidy, cuſtom, duty, or impoſition whatſoever; and that the ſame may alſo, at any time before the ſaid tenth day of *September*, be carried coaſtwiſe under ſuch regulations as wheat and wheat flour, barley, barley-meal, peas, beans, tares, and callivancies, of the growth of this kingdom, are now allowed to be carried coaſtwiſe; any thing in any former or other act or acts of parliament to the contrary thereof in any wiſe notwithstanding.

The importa-
tion of
wheat,
wheat flour,
&c. allowed
to be import-
ed duty-free,
at any time
before 10 Sept.
and may alſo
be carried
coaſtwiſe.

C A P. XXIII.

An act to prevent frauds and abuſes in the admeaſurement of coals, ſold by wharf meaſure, within the city of London, and the liberties thereof; and between Tower Dock and Limehouſe Hole in the county of Middleſex.

WHEREAS many great frauds and impoſitions are praetiſed in the admeaſurement of coals within the city of London and the liberties thereof, and at the ſeveral wharfs ſituate between the tower of London and Limehouſe Hole in the county of Middleſex, to the great loſs of the conſumer, and diſcredit of the fair trader, many of whom are frequently harracted with vexatious law ſuits, for offences which, as the law now ſtands, are not in their power to prevent: for remedy whereof, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *June*, one thouſand ſeven hundred and ſixty ſeven, there ſhall be erected and continued within the city of *London*, in or near *Thames Street*, one publick office, which ſhall be called by the name of *The Land Coal Meters Office for the City of London, and between the Tower of London and Limehouſe Hole in the County of Middleſex*; which ſaid office ſhall, from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and ſixty ſeven, for and during the term of fourteen years then next enſuing, be managed by *John Evans* of the city of *London*, coal merchant, who is hereby nominated and appointed to be the manager of ſuch office; which office, when erected, ſhall be kept open every day (*Sundays* excepted) from the twenty fifth day of *March* to the twenty ninth day of *September* yearly, during the continuance of this act, from the hour of five in the morning till nine in the evening; and from the twenty ninth day

Preamble.

Office ap-
pointed for a
term.

of

of *September* to the twenty fifth day of *March* yearly, during the continuance of this act, from the hour of six in the morning till six in the evening.

Principal coal
meter, &c.
subject to
court of al-
dermen:

II. Provided always, and it is hereby further enacted by the authority aforesaid, That the said *John Evans*, and the principal coal meter within the limits aforesaid for the time being, and his and their deputies or servants, acting under him or them in the admeasurement of coals, by virtue of or in pursuance of this present act, shall be, and they, and every of them, are hereby declared to be subject to the power, jurisdiction, and comptroll, of the court of the lord mayor and aldermen of the said city of *London*; and shall and may be dismissed and suspended by the said court, from the execution and emoluments of their said respective offices, upon complaint and proof of any fraud, default, neglect, or other misbehaviour in the management or execution thereof, which complaints shall and may be heard and determined by the said court in a summary way; any thing herein before contained to the contrary hereof in any ways notwithstanding.

At his de-
cease, corpo-
ration to ap-
point.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That in case the said *John Evans* shall happen to die before the expiration of the said term of fourteen years, the said office shall be managed by such person as shall be nominated and appointed by the lord mayor, aldermen, and commons, of the city of *London*, in common council assembled.

IV. And be it further enacted by the authority aforesaid, That no person shall be capable of acting as principal land coal meter for the city of *London*, until he shall, before two or more of his Majesty's justices of the peace for the city of *London* (who are hereby authorized and required to administer the same) take an oath in the words or to the effect following; to wit,

His oath.

I A. B. do swear, That I will truly and faithfully, according to the best of my judgement and ability, execute the office of principal land coal meter for the city of *London*, and for all the wharfs situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*.

So help me GOD.

Labouring
meters to be
appointed.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said *John Evans*, and such other person or persons that shall, from time to time, and at all times hereafter, during the continuance of this act, be nominated and appointed to manage the said office, and he or they is and are hereby authorized to appoint a sufficient number of persons to be labouring coal meters within the said city of *London*, and at the several wharfs situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*; one of which said labouring coals meters shall attend every day (*Sundays* excepted) at such of the coal wharfs, warehouses, or other places of sale, within the said city of *London*, and at the coal

coal wharfs, warehouses, or other places of sale, situate between the tower of *London* and *Limehouse hole* in the county of *Middlesex*, at which he shall be stationed by the person or persons executing the office of principal land coal meter, during the continuance of this act, at such times as is required by the wharfinger or dealer in coals, where such meter is stationed to measure out the coals, which shall, from time to time, be sold by wharf measure, at any of the said wharfs or warehouses where such labouring coal meters shall be so stationed as aforesaid.

VI. And be it further enacted by the authority aforesaid, That no person shall be capable of acting as one of the labouring coal meters, to be appointed as aforesaid, until he shall, before one or more of his Majesty's justices of the peace for the said city of *London* (who are hereby authorized and required to administer the same) take an oath in the words or to the effect following; to wit,

I A. B. do swear, That I will duly and faithfully, to the best of Their oath.
my skill and knowledge, execute the office of one of the labouring coal meters for the city of London, and the several wharfs situate between the tower of London and Limehouse Hole in the county of Middlesex; and that I will truly and impartially measure all coals, between buyer and seller, without favour or hatred.

So help me GOD.

And the said justices respectively, who shall administer the oaths by this act directed to be taken, are hereby required to certify the taking thereof to the next general quarter sessions of the peace to be held for the said city of *London* after the taking of such oaths respectively, there to remain on record. Oaths to be recorded.

VII. Provided always, and be it enacted by authority aforesaid, That if the said principal coal meter, or any of the persons to be employed under him, shall at any time or times hereafter, during his or their respective continuance in their office or employment aforesaid, be directly or indirectly interested or concerned in the sale of any coals whatsoever, otherwise than in their said respective offices; he or they respectively so offending, shall, for every such offence, forfeit and pay the sum of twenty pounds; and being thereof convicted before the said court of lord mayor and aldermen, shall be dismissed from his or their said respective office or employment, and be for ever disabled from holding or executing the same or any other under this act. Coal meters not to be interested in the sale of coals.

VIII. And be it further enacted by the authority aforesaid, That if any of the said labouring coal meters, having notice in writing given to him or them to attend at any wharf within the limits aforesaid, to be named in such notice, at any particular hour of the next day to be therein mentioned, in order to measure the coals of the person giving such notice, shall refuse or neglect to attend and do his or their duty accordingly; every such labouring coal meter shall, for every such offence, forfeit 3l. Penalty on labouring coal meters not attending on notice.

and pay the sum of three pounds; which sum, if not paid within one calendar month next after the conviction of the offending party, shall or may be recovered of or from the said principal coal meter for the time being, in like manner as might have been against the party so convicted.

Stations of labouring meters to be frequently varied.

IX. And, in order to prevent confederacy, be it enacted, That the stations to be appointed to and for the labouring coal meters, at the said wharfs, shall be frequently varied by the principal coal meter, or the person or persons executing the office of principal coal meter, in such manner as he or they shall think fit.

Coals to be measured in presence of a labouring meter.

X. And be it further enacted by the authority aforesaid, That all coals which, from and after the said first day of *June*, shall be sold as and for wharf measure, at any place or places within the said city of *London*, or at any of the several wharfs, warehouses, or other places, situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, shall be measured in the presence of one of the said labouring coal meters, in such manner as is directed in and by an act of parliament made and passed in the sixteenth and seventeenth years of the reign of his late majesty King *Charles* the Second, intituled, *An act for regulating the measures and prices of coals*; and the said labouring coal meters shall and may, and he and they is and are hereby authorized and required, to fill up any bushel or bushels of coals, as shall appear to him or them to be deficient or wanting in measure, out of the stock of coals, of the person or persons so vending or contracting for the sale of the said coals.

Coal meters &c.

XI. And be it further enacted by the authority aforesaid, That four pence by the chaldron, for every chaldron of coals which, from and after the said first day of *June*, shall be sold and delivered at any wharf, warehouse, or place, within the said city of *London*, and the liberties thereof, or between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, shall be paid by the person who keeps the wharf, warehouse, or place, where such coals are carted from, or by the feller of such coals, to the principal land coal meter for the time being, or to the labouring coal meters, for the purposes following; that is to say, Part of the said sum for the use of the said principal coal meter, as a recompence for his labour and trouble, and for defraying the charges of his clerks, messengers, house rent, fire, candles, and all other expences incident to the execution of the office aforesaid, and the other part for the hire of the labouring coal meters; and thereupon such principal land coal meter shall, and he is hereby required to deliver, or cause to be delivered, to every seller of such coals, or the carmen who shall cart, lead, drive, or carry, the same, a paper writing or ticket, signed by the said principal land coal meter, and countersigned by the said labouring coal meter attending and delivering the same, in which shall be contained as well the christian and surname of the respective sellers, as of the consumers of the said coals, the quantity and day of the week, month and year of the delivery and

Tickets to be delivered.

and admeasurement, the amount of the metage charge, and the names of the carmen or persons employed to cart, lead, drive, or carry, the same coals; and also shall contain a notice to the purchaser or purchasers of the said coals, that if he, she, or they, is or are dissatisfied with the measure thereof, which dissatisfaction must be expressed to the carman before any part thereof are shot or unladen from the said cart; which said ticket being thus made compleat and metage paid, shall be delivered unaltered by the labouring coal meter counter signing the same, without delay, to the carman or person employed to cart, carry, drive, or lead, the coals described in such ticket to the consumer therein named; which said ticket unaltered, the carman or person therein named to be employed to cart, carry, lead, or drive, the coals in such ticket described, shall, and he is hereby required to deliver to the respective consumers therein named, or to their agent or servant who shall attend to receive the coals described in such ticket, for the use of such consumer, and thereupon he, she, or they, are hereby required to pay to the feller named in such ticket the metage therein specified: and if the labouring coal meter, counter signing such ticket, shall, after payment of the metage charge in pursuance of this act, refuse to deliver such ticket as herein before directed to the carman or person employed to cart, lead, drive, or carry, the coals therein described; such labouring coal meter shall, for every such offence, forfeit and pay the sum of forty shillings: and if such carman or person employed to cart, carry, lead, or drive, the coals described in such ticket, shall, after the same ticket shall have been so delivered to him by the labouring coal meter counter signing the same, either alter, or neglect or refuse to deliver the same ticket, to the consumer herein named, or to the agent or servant who shall attend to receive the tolls described in such ticket; such carman or person employed to cart, lead, or drive, the coals described in such ticket, shall likewise forfeit and pay, for every such offence, the sum of ten shillings.

Penalties on
altering
Tickets, &c.

XII. And be it enacted by the authority aforesaid, That if or carrying any cart or carts loaded, or in which any quantity of coals, exceeding seventeen bushels, shall be sent or driven from any wharf, warehouse, or place, within the said city of London and the liberties thereof, or from any wharf, warehouse, or place, situate between the tower of London and Limehouse Hole in the county of Middlesex, without having first obtained such ticket as aforesaid; that then, and in every such case, the vender of the said coals, being convicted thereof by the oaths (or being one of the people called quakers, by affirmation) of two or more witnesses, before one or more of his Majesty's justice or justices of the peace for the said city of London or county of Middlesex, and which he and they are hereby respectively authorized and required to administer and take, shall for every such offence, forfeit and pay the sum of ten pounds.

coals without

XIII. And it is hereby enacted by the authority aforesaid, That if any wharfinger, or dealer in coals, shall, at any time

Dimensions of
sacks.

or times hereafter, during the continuance of this act, make use of one or more sack or sacks for the carrying of coals within the city of *London* and the liberties thereof, or at any wharf, warehouse, or place, situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, of less dimensions than four feet in length, and two feet in breadth, being convicted thereof by the oaths (or being one of the people called *Quakers*, by affirmation) of two or more credible witnesses before one or more of his Majesty's justices of the peace for the city of *London* or county of *Middlesex*, and which he and they are hereby respectively authorized and required to administer and take, shall, for every offence, forfeit and pay the sum of five pounds.

Penalty on wharfingers, &c. bribing meters;

XIV. And it is hereby further enacted by the authority aforesaid, That if any wharfinger, or dealer in coals, shall directly or indirectly give, or cause to be given, to any labouring coal meter within the city of *London* and the liberties thereof, or at any wharf, warehouse, or place, situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, at any time or times hereafter, during the continuance of this act, any sum or sums of money, or other fee, reward or gratuity whatsoever, over and besides the four pence *per* chaldron herein before enacted and allowed for the charges of metage, being convicted thereof by the oaths (or being one of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the city of *London* or the county of *Middlesex*, and which he and they are hereby respectively authorized and required to administer and take, shall, for every such offence, forfeit and pay the sum of twenty pounds.

and on meters permitting deficient sacks to be used,

XV. And be it further enacted by the authority aforesaid, That if any labouring coal meter shall, at any time or times hereafter, during the continuance of this act, use, or permit or suffer sacks to be made use of, for the measuring or carrying of coals, of less dimensions than four feet in length, and two feet in breadth, at any place or places within the city of *London* and the liberties thereof, or at any wharf, warehouse, or place, situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, being convicted thereof by the oaths (or being one of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the city of *London* or county of *Middlesex*, and which he and they are hereby respectively authorized and required to administer and take, shall, for every offence, forfeit and pay the sum of forty shillings.

or otherwise not performing their duty.

XVI. And it is hereby further enacted by the authority aforesaid, That if any labouring coal meter, to be appointed and qualified pursuant to this act, shall at any time or times hereafter, during the continuance of this act, deliver a false or counterfeit ticket to any dealer, consumer, carman, or other person, with intent to prejudice or defraud any person or persons

sons whatsoever, or shall take or receive from any dealer in coals any sum or sums of money, fee, reward, or gratuity whatsoever, over and besides the four pence *per* chaldron herein before enacted and allowed to be taken for the metage charge; or if any such labouring coal meter shall wilfully make, permit, or suffer to be made, false measures of coals, at any place or places within the city of *London*, and the liberties thereof, or at any wharf, warehouse, or place, situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, being in any or either of the said cases convicted thereof, by the oaths (or being one of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the city of *London*, or the county of *Middlesex*, and which he and they are hereby respectively authorized and required to administer and take, shall, for every offence in either of the said cases, forfeit and pay the sum of five pounds, and be rendered incapable of ever serving thereafter in the office of a coal meter.

XVII. Provided always, and it is hereby declared, That this act shall not extend to the owners of any works for raising water by fire, nor to the owners of any coals to be bought, sold, and delivered as and for pool measure, but that they shall and may have one chaldron of coals, or more, delivered under the inspection of his or their own agent (in the absence of a meter) and in that case, such persons are hereby respectively exempted from payment of any metage charge, by virtue of this act; but if such persons shall require the care or attendance of any meter to be appointed in pursuance of this act, then, and in such case, they shall pay the metage charge of four pence by the chaldron hereby laid, as other consumers of coals are hereby obliged, or ought to do, in pursuance of this act; any thing herein before contained to the contrary hereof notwithstanding.

exemptions with respect to water-works, &c.

XVIII. And be it further enacted by the authority aforesaid, That if any such labouring coal meter shall, from and after the said first day of *June*, one thousand seven hundred and sixty seven, wittingly or willingly suffer any coals sold as and for wharf measure (exceeding the quantity of seventeen bushels) to be sent from any wharf or warehouse within the said city of *London*, and the liberties thereof, or from any wharf or warehouse situate between the tower of *London* and *Limehouse Hole* in the county of *Middlesex*, without being measured in the manner herein before directed, and shall not give information hereof to the principal land coal meter, or his deputies, at the said office, within two days next after such coals shall have been sent as aforesaid, and shall be duly convicted thereof, by the oaths of two or more credible witnesses; such labouring coal meter shall from thenceforth be for ever rendered incapable of being as a labouring coal meter within the limits comprized in this act, and forfeit and pay the sum of five pounds.

Penalty on meters suffering coals to pass without being measured.

XIX. Provided also, and be it further enacted by the authority aforesaid, That if any person shall be dissatisfied with, or

Coals may be remeasured.

think him or herself aggrieved by or in the measure of any coals sold to him or her by wharf measure within the limits aforesaid, and shall upon delivery to him or her of the meter's ticket accompanying such coals, signify his or her desire to have the same remeasured; then, and in every such case, the carman or driver of the cart or other carriage, in which the said coals shall be brought, shall continue at the house or lodging of the purchaser of the said coals, with the said coals and said cart until they are remeasured; and the said purchaser shall immediately send or cause to be sent to the vender of the said coals, or to his or her wharf, notice in writing, that the said coals are going to be remeasured, and also send notice thereof to the land coal meter's office; and thereupon the said principal meter, or one of the labouring meters (not being the meter under whose inspection the said coals were originally measured) shall, within the space of two hours next after such notice in writing left at the land coal meter's office aforesaid, attend to remeasure the said coals, and shall accordingly remeasure the same, sack by sack, in the presence of the vender and purchaser of the said coals, or their agents or servants, if any of them shall attend and desire to see the same remeasured; for which re-admeasurement the purchaser shall pay the principal meter the sum of six pence for every chaldron of coals so remeasured: and in case the coals thus remeasured shall not amount to the quantity for which they were sold, then the vender of such coals shall forfeit and pay for every bushel of coals found deficient the sum of five pounds, and also forfeit every chaldron of coals so found deficient or wanting in measure to and for the use of the poor of the parish where the said coals shall be so remeasured; and the labouring meter, under whose inspection the coals were first measured, shall, for every bushel so deficient, forfeit and pay the sum of twenty shillings; which sum, if not paid within five days next after his conviction, shall and may be recovered from the person executing the office of principal meter for the time being; and the coal porter who shall measure the same for the vender thereof, shall, for every bushel of coals so wanting, forfeit and pay the sum of two shillings and six pence.

Carman to be paid 2s. 6d. per hour, when stopped to remeasure coals.

XX. Provided also, and be it further enacted by the authority aforesaid, That in all cases where any cart shall be stopped or detained for the purpose or pretence of re-admeasuring the coals laden thereon, the owner of every such cart shall be intitled to the sum of two shilling and six pence *per* hour, for every hour the cart shall be so detained, over and above the usual cartage of such coals; which two shillings and six pence *per* hour shall be paid by the vender of the said coals, in case the same shall, upon such re-admeasurement, be found deficient in measure; or by the purchaser of the said coals, in case the same shall not be remeasured, or shall, upon such re-admeasurement, be found to amount to the quantity for which the same were sold,

XXI. Provided also, and be it further enacted by the authority aforesaid, That no seller of, or dealer in, coals, within the limits aforesaid, shall, for any offences under this act, be subject or liable to any other penalty, forfeiture, or disability, than what are herein before respectively inflicted or enacted, in or by the act of the third year of the reign of his late majesty King George the Second, intituled, *An act for the better regulation of the coal trade*, or any other law, statute, or custom, to the contrary notwithstanding.

Dealers of-
tending under
this act, not
liable to pe-
nalties of act
3 Geo. 2. &c.

XXII. And be it further enacted and declared by the authority aforesaid, That the aforesaid several forfeitures and penalties imposed, and to be incurred, by virtue or under this present act, shall be recovered and applied in the manner, and to and for the purposes, following (that is to say) such and so many of the said forfeitures and penalties as do and shall exceed the sum of five pounds, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; the one moiety of which said forfeitures and penalties (that is, where each of them exceeds five pounds) shall be to and for the use of our sovereign lord the King, his heirs, and successors, and the other moiety thereof (with full costs of suit) to and for the use of such person or persons who shall inform or sue for the same; and all other the aforesaid forfeitures and penalties shall be recovered by way of complaint made unto any one or more justice or justices of the peace for the city of *London*, or for the said county of *Middlesex*, who is and are hereby required to call the parties before him or them, and to hear and examine such complaint on oath, or upon affirmation (in case any testimony in this respect shall be given by any of the people called *Quakers*, and which oath or affirmation such justices are hereby respectively required and impowered to administer and take) and upon due proof thereof made to his or their satisfaction, to grant a warrant under his or their hand and seal, or hands and seals, for levying such forfeitures and penalties accordingly; the one moiety thereof to and for the use of the informer, and the other moiety thereof to and for the use of the poor of the parish in which such offences shall have been respectively committed; and in case such forfeitures or penalties shall not (after such conviction or convictions) be forthwith paid, that then the same shall be levied by distress and sale of the goods and chattles of the respective offenders, by warrant or warrants under the hand and seal, or hands and seals, of such justice or justices of the peace, before whom such offender or offenders shall be convicted, rendering the overplus (if any be) to such offender or offenders; and for want of sufficient distress, such offender or offenders shall be committed to hard labour for any time not exceeding thirty days, and not less than seven days, there to remain and be kept to hard labour.

Recovery and
application
of penalties,
&c.

XXIII. Provided also, and it is hereby further enacted and declared, That if any person so convicted as aforesaid, shall think himself aggrieved, he may appeal to the general quarter sessions.

Persons ag-
grieved may
appeal to the
quarter ses-
sions.

essions of the peace to be held for the city of *London* or county of *Middlesex* next after such conviction, but not afterwards; and that sessions, when so appealed to, shall, at the then next sessions after bringing such appeal, hear and finally determine the same; and if the appellant in such appeal shall not make good, support, and succeed in such his appeal, or prosecute the same with effect, the said court of sessions shall then award such costs as they shall think reasonable, to be then and there in open court, with the penalty adjudged on and by such conviction, paid to the prosecutor or informer; and for want thereof to commit the person or persons thus appealing to the common gaol of and for the city of *London* or the county of *Middlesex*, and there to remain until he or they shall and do make actual payment of such costs and penalty, to the person or persons to whom the same shall be awarded, for the purposes aforesaid; but in case the said appellant shall make good, support, and succeed in such his appeal, and be acquitted of his conviction, the same court shall, in that case, award to such appellant reasonable costs, to be then and there in open court paid to him or them, by the person or persons on whose information or prosecution such conviction shall have been founded or made; and for want of such payment, the said court of sessions shall commit such informers and prosecutors respectively to the common gaol of the said city of *London* or the county of *Middlesex*, there to remain until he or they shall and do actually pay to such appellant the costs so respectively awarded to them as aforesaid; but no conviction to be pronounced or made by virtue of or under this act, shall be quashed or vacated for want of form only.

No *Certiorari*.

XXIV. And it is hereby enacted, That no writ of *Certiorari* shall issue or be issuable to remove the record of any conviction, or proceedings thereon to be taken, made, or pronounced, in pursuance or by the authority of this act, into any of his said Majesty's courts of record at *Westminster*.

Limitation of actions.

XXV. And be it further enacted by the authority aforesaid, That if any action, information, or suit, shall be brought, filed, or prosecuted, against any person or persons, for any thing to be done in pursuance of this act, the same shall be commenced or filed within two months next after the fact committed, and not afterwards; and shall be laid in the city of *London*, and not elsewhere; and the defendant or defendants in or to such actions, suits, or informations, may plead the general issue, and give this act and the special matter in evidence on any trial to be had thereupon, and that the same was done in pursuance of this act: and if the same shall appear so to have been done, or if any such action, suit, or information, shall be brought or filed after the time for this purpose herein before in this respect limited, or shall be laid or brought in any other county or place, then the jury, in every such case, shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs; or if

General issue.

upon

upon demurrer judgement shall be given against the plaintiff or Treble costs. plaintiffs, the defendant or defendants shall have full costs, and such remedy for the recovery of the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

XXVI. And be it further enacted by the authority aforesaid, Publick act. That this present act shall be deemed, judged, and taken to be, a publick act; and shall be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially pleading the same.

XXVII. And it is hereby further enacted by the authority Term of the aforesaid, That this act shall continue and be in force for four-act. teen years from and after the said first day of *June*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

CAP. XXIV.

An act for raising the sum of one million five hundred thousand pounds, by way of annuities and a lottery, attended with annuities to be charged on the sinking fund.

Preamble. The sum of 1,500,000*l.* granted; to be raised, viz. 900,000*l.* thereof by annuities, and 600,000*l.* by a lottery. Natives or foreigners, who, in books opened at the bank, have subscribed to the said sum of 900,000*l.* and deposited 1*l.* per cent. of their subscription-money, are to pay the remainder as herein directed. 10*l.* per cent. by 27 May, 1767; 10*l.* per cent. by 26 June; 1*l.* per cent. by 27 August; 1*l.* per cent. by 25 Sept. 1*l.* per cent. by 30 October; and 1*l.* per cent. by 17 Nov. subscriptions to the lottery to be paid, viz. 2*l.* per cent. by 16 June; 30*l.* per cent. by 28 July; and 40*l.* per cent. by 11 Sept. Subscribers to the said sum of 900,000*l.* intitled to an annuity of 3*l.* per cent. Interest to commence from 5 Jan. 1767. The 600,000*l.* to be raised by a lottery, to carry an interest of 3*l.* per cent. to commence from 5 Jan. 1768. Interest on both sums to be paid half-yearly, on 5 July, & 5 Jan. Subscribers paying the whole of their subscriptions towards the annuities on or before 27 October, and to the lottery, on or before 24 July, to be allowed interest, by way of discount, for the same. Tickets for the lottery to be delivered to subscribers completing their subscriptions. Annuities made transferrable. Receipts to be given for the money paid in towards the said sum of 900,000*l.* the same are made transferrable. Cashier of the bank to give security for duly accounting for, and paying over the said monies into the exchequer. Treasury to apply the money to the services voted this session. Names of contributors to be entered in books to be provided by the accountant general of the bank; to be inspected gratis Duplicate to be transmitted into the auditor's office of the exchequer. Contributors, duly paying their contribution monies, intitled to a proportionable share of the annuities; and the same are to be tax-free; but where the sums subscribed shall not be duly paid, the deposit, &c. is forfeited to the publick. Credit to be given, in the books at the bank, to contributors completing their payments to the said sum of 900,000*l.* Persons, to whose credit such sums shall be placed, may assign the same; the said sums to carry 3*l.* per cent. interest, and be deemed transferrable stock. Annuities charged on the sinking fund. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Managers to examine the books with the tickets, and deliver them after to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books with the remainder of the tickets. Tickets of the middle columns to be rolled up, and fastened with silk; and cut off indentedwise into a box marked with the letter (A) box to be locked up and sealed. Books to be prepared with a columns, on each of which 60,000 tickets to be printed. The number and value of the fortunate tickets. 500*l.* to the first drawn ticket, and 1000*l.* to the last drawn. Tickets of the outermost columns of the last-mentioned

book

book to be rolled up and tied, and cut out indentwise, into a box marked with the letter (B) box to be locked up and sealed. Publick notice to be given of the times of putting the tickets into the boxes. Lottery to begin drawing on 16 Nov. 1767. Method to be observed in drawing, &c. After each day's drawing, the boxes to be locked up and sealed. Number of the fortunate tickets, and the sums, to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates, felony. Managers to be sworn. Cashier, on receiving the residue of the sums subscribed, the bearers intitled to one lottery ticket for every 10l. subscribed. Contributors not making good their payments with respect to the said lottery, within the times limited, to forfeit their deposits; and the tickets for such sums to be delivered back into the exchequer. Managers, &c. to be paid by the commissioners of the treasury. Limitation of sale of chances, &c. Penalty. Persons selling shares in tickets of which they are not possessed, forfeit 500l. Offences committed in Ireland against acts for preventing unlawful lotteries, declared to be punishable, and may be sued for in Dublin. After the drawing of the lottery, the tickets to be exchanged for certificates. Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c. Books to be kept for entering persons names, and the number of their tickets, &c. Certificates to be signed, &c. Accountant general to give credit for the principal sums in the certificates. Assignments may be made of the said sums, &c. Certificates to be filed and cancelled, and notes to be given in lieu thereof. Bank to employ a chief clerk and accountant general. Monies to be issued out of the sinking fund, from time to time, to the said clerk, for payment of the annuities; who is to apply the same accordingly, and render an account thereof. Accountant general to inspect the receipts and payments, with the vouchers. Annuities deemed a personal estate, and to be added to the joint stock transferrable at the bank; subject to redemption. Transfer books to be kept by the accountant general. Method of transferring stock. Annuities deviseable by will. Entry to be made of such clause in the will. Treasury to pay all incident charges attending the execution of this act; and to make an allowance to the cashier, and accountant general; to be at the disposal of the governor and company of the bank. Bank to continue a corporation till these annuities be redeemed, &c. No fee to be taken for receiving or paying the contribution-monies, annuities, &c. on penalty of 20l. General issue. Treble costs.

C A P. XXV.

An act for redeeming one fourth part of the joint stock of annuities established by an act made in the third year of his present Majesty's reign, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom; and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties.

Most gracious Sovereign,

Preamble.

WHEREAS in pursuance of an act made in the third year of your Majesty's reign, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom; and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties; the sum of three millions five hundred thousand pounds was raised for the public service; which sum was to be deemed one capi-
tal

tal and joint stock, and to be attended with annuities after the rate of four pounds per centum, redeemable by parliament: and whereas your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have resolved, that one fourth part of the said capital stock be redeemed and paid off on the fifth day of January, one thousand seven hundred and sixty eight, and several public notices have been given of the said resolution by the speaker of the house of commons, pursuant to the order of that house: Therefore your faithful commons do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such notices as aforesaid shall be, and be deemed, adjudged, and taken to be, good and sufficient notice or notices within the true intent and meaning of the said act, for the redemption of one fourth part of the said capital and joint stock, and of the annuities attending on such part; and the same shall be redeemable and redeemed accordingly.

Notices given of the resolution to redeem one fourth part of the joint stock of annuities established by act deemed good.

3 Geo. 3.

II. And be it further enacted by the authority aforesaid, That on or before the fifth day of *January*, one thousand seven hundred and sixty eight, there shall and may be issued and paid to the governor and company of the bank of *England* the sum of eight hundred and seventy five thousand pounds, out of all or any the aids or supplies granted in this session of parliament (except any particular aid or supply which hath been, or shall be, in the same session, specially and intirely appropriated to any one particular use or purpose) which sum shall be applied by the said governor and company in payment of the like sum of eight hundred and seventy five thousand pounds, for the redemption and full satisfaction of one fourth part of the said sum of three millions five hundred thousand pounds, which was raised under the authority of the said act made in the third year of his present Majesty's reign.

The sum of 875,000l. to be paid to the governor and company of the bank, out of the supplies granted this session, for paying off such one fourth part of the said joint stock;

III. And be it further enacted by the authority aforesaid, That on or before the said fifth day of *January*, one thousand seven hundred and sixty eight, there shall and may, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained, in that behalf, be issued and paid, at the receipt of his Majesty's exchequer, to the governor and company of the bank of *England*, by way of imprest and upon account, out of the surplusses, excesses, or overplus monies, commonly called *The sinking fund*, such sum of money as shall be necessary for the discharge of the annuities attending such one fourth part of the said capital and joint stock, from the tenth day of *October*, one thousand seven hundred and sixty seven, to the fifth day of *January* following, inclusive; which sum shall be applied by the said governor and company in discharge of such annuities accordingly, at the same time that

and so much money as shall be necessary for discharge of the annuities attending the same, to be paid them out of the sinking fund;

which they are to apply accordingly.

the

the respective principal monies composing such one fourth part shall be paid and satisfied; and that all such annuities, in respect of such one fourth part, shall cease and be extinguished from the said fifth day of *January*, one thousand seven hundred and sixty eight.

Monies issuing out of the sinking fund, to be replaced.

IV. And be it further enacted by the authority aforesaid, That the sums of money which shall be issued and applied by virtue of this act out of the said surplusses, excesses, or overplus monies, for payment of the said annuities, shall be made good and replaced by and out of the supplies to be granted in the next session of parliament.

Annuities to be paid up to 5 Jan. 1768.

V. Provided always, and be it further enacted by the authority aforesaid, That if all or any part of the principal monies composing such part of the said capital and joint stock hereby intended to be redeemed, shall be paid and satisfied at the bank of *England* before the said fifth day of *January*, one thousand seven hundred and sixty eight, the said governor and company shall, notwithstanding the same, pay, and they are hereby empowered to pay, in respect of the principal monies so discharged, the full sums which the annuities attending the same would have amounted to on the said fifth day of *January*, one thousand seven hundred and sixty eight; any thing herein, or in any other act, contained to the contrary notwithstanding.

The annuities remaining unredeemed, to continue, and be charged upon, and payable out of the funds on which they stand charged. Bank not to incur any disability for what they shall do in

VI. Provided always, and be it further enacted and declared by the authority aforesaid, That from and after the said fifth day of *January*, one thousand seven hundred and sixty eight, the annuities attending such part of the said capital and joint stock as shall remain unredeemed, shall continue to be charged and chargeable upon such funds, and shall be paid thereout in such manner, as all the said annuities are now charged and payable.

VII. Provided also, and be it further enacted by the authority aforesaid, That the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence: and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer or otherwise; then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. XXVI.

An act for redeeming the remainder of the joint stock of annuities established by an act made in the third year of his

present Majesty's reign; in respect of several navy, victualling, and transport bills, and ordnance debentures.

Most gracious Sovereign,

WHEREAS by an act of parliament made in the third year Preamble.
of your Majesty's reign, intituled, An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures; and for charging the payment of such annuities on the sinking fund; and making good the same to the said fund, in manner therein mentioned; *it was provided and directed, That all and every person and persons, bodies politick and corporate, who should within the time therein limited, deliver in certain navy, victualling, and transport bills, and ordnance debentures, to be cancelled in manner thereby directed, should, for the principal sum or sums contained therein, and also for the interest marked upon such of the said bills as bore an interest, be respectively intituled to and have an annuity after the rate of four pounds per centum per annum, to commence from the twenty fifth day of March, one thousand seven hundred and sixty three, and to be payable half yearly at the bank of England, to such person or persons, bodies politick or corporate, or such as he, she, or they should appoint his, her, or their executors, administrators, successors, or assigns, until redemption thereof by parliament in manner therein mentioned; and that all such monies should be deemed to be capital or one joint stock on which the said annuities should be attending: and whereas the several principal monies contained in the bills and debentures delivered in and cancelled, together with such interest as aforesaid, which were converted into a capital or joint stock in pursuance of the said act, did amount to the sum of three millions four hundred eighty three thousand five hundred fifty three pounds, one shilling, and ten pence: and whereas, in pursuance of two acts made in the fifth and sixth years of your Majesty's reign, one half of the said capital or joint stock hath been redeemed, whereby the said stock was reduced to the sum of one million seven hundred and forty one thousand seven hundred and seventy six pounds, ten shillings, and eleven pence: and whereas your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have resolved that the remainder of the said capital stock be redeemed and paid off on the twenty fifth day of December, one thousand seven hundred and sixty seven, and several public notices have been given of the said resolution by the speaker of the house of commons, pursuant to the order of that house: Therefore your faithful commons do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such notices as aforesaid shall be, and be deemed, adjudged, and taken to be, good and sufficient notice or notices within the true intent and meaning of the said act of the third year of his Majesty's reign, for the redemption of the remainder of the said capital or joint stock, and of the annuities attending stock of annuities esta.*

blished by act
3 Geo. 3.
deemed good.
The sum of
1,741,776l.
10s. 11d. to be
paid to the
governor and
company of
the bank, out
of the sup-
plies granted
this session,
for redeeming
the said joint
stock;

and so much
money as
shall be ne-
cessary for
discharge of
the annui-
ties attending
the same, to be
paid them out
of the sinking
fund;

which they
are to apply
accordingly.

Monies issued
out of the
sinking fund
to be replaced.

Annuities to
be paid up to
25 Dec. 1767.

attending thereon; and the same shall be redeemable and re-
deemed accordingly.

II. And be it further enacted by the authority aforesaid, That
on or before the twenty fifth day of *December*, one thousand se-
ven hundred and sixty seven, there shall and may be issued and
paid to the governor and company of the bank of *England*, the
sum of one million seven hundred and forty one thousand seven
hundred and seventy six pounds, ten shillings, and eleven pence,
out of all or any the aids or supplies granted in this session of
parliament (except any particular aid or supply which hath been
or shall be in the same session, specially and intirely appropriated
to any one particular use or purpose) which sum shall be applied
by the said governor and company, in payment of the like sum
of one million seven hundred and forty one thousand seven hun-
dred and seventy six pounds, ten shillings, and eleven pence, for
the redemption and full satisfaction of the remainder of the said
capital or joint stock.

III. And be it further enacted by the authority aforesaid,
That on or before the said twenty fifth day of *December*, one
thousand seven hundred and sixty seven, there shall and may,
by order of the commissioners of the treasury, or any three or
more of them, or the high treasurer for the time being, without
any further or other warrant to be sued for, had, or obtained, in
that behalf, be issued and paid, at the receipt of his Majesty's
exchequer, to the governor and company of the bank of *Eng-
land*, by way of imprest and upon account, out of the surplusses,
excesses, or overplus monies, commonly called *The sinking fund*
(upon which the said annuities were charged by the said act
made in the third year of his present Majesty's reign) such sum
of money as shall be necessary for the discharge of the annuities
attending such remainder of the said joint stock from the twenty
ninth day of *September*, one thousand seven hundred and sixty
seven, to the twenty fifth day of *December* following inclusive;
which sum shall be applied by the said governor and company in
discharge of such annuities accordingly, at the same time that
the said principal monies composing the remainder of the said
capital or joint stock shall be paid and satisfied; and that all such
annuities shall cease and be extinguished from the said twenty
fifth day of *December*, one thousand seven hundred and sixty
seven.

IV. And be it further enacted by the authority aforesaid,
That the sums of money which shall be issued and applied by
virtue of this act out of the said surplusses, excesses, or overplus
monies, for payment of the said annuities, shall be made good
and replaced by and out of the supplies to be granted in the next
session of parliament.

V. Provided always, and be it further enacted by the autho-
rity aforesaid, That if all or any part of the said principal monies
hereby intended to be redeemed, shall be paid and satisfied at
the bank of *England* before the said twenty fifth day of *December*,
one thousand seven hundred and sixty seven, the said governor
and

and company shall, notwithstanding the same, pay, and they are hereby impowred to pay, in respect of the principal monies so discharged, the full sums which the annuities attending the same would have amounted to on the said twenty fifth day of *December*, one thousand seven hundred and sixty seven; any thing herein, or in any other act, contained to the contrary notwithstanding.

VI. Provided also, and be it further enacted by the authority aforesaid, That the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

Bank not to incur any disability for what they shall do in pursuance of this act.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence: and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them upon demurrer, or otherwise; then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue.
Treble costs.

C A P. XXVII.

An act for extending the royalty of the city of Edinburgh over certain adjoining lands; and for giving powers to the magistrates of Edinburgh for the benefit of the said city; and to enable his Majesty to grant letters patent for establishing a theatre in the city of Edinburgh, or suburbs thereof.

WHEREAS by an act of parliament passed in the twenty sixth year of the reign of his late majesty King George the Second, intituled, An act for erecting several publick buildings in the city of Edinburgh, and to impower the trustees therein mentioned to purchase lands for that purpose; and also for widening and enlarging the streets of the said city, and certain avenues leading thereunto; it is enacted, That certain persons therein named as trustees, or any seven of them, shall have full power and authority to agree with the owners and occupiers of such houses as lie on the north side of the high street of the said city; and having purchased the same, to order the said houses to be pulled down, and the ground or area to be employed in such manner as the said trustees shall appoint, for rendering access to the said city and high street thereof more easy and commodious: and whereas the said trustees, in execution of the powers vested in them by the said act, did erect an exchange near the centre of the city; and did afterwards pay over the balance of the monies then remaining in their hands, which amounted to three thousand pounds sterling, or thereabouts, to the magistrates and council, to be applied for rendering

Preamble, reciting act 26 Geo. 2.

tending access to the city more easy and commodious: and whereas the extending the limits of the city of Edinburgh has been found necessary, as well for the benefit of trade and commerce, as for the conveniency and health of the inhabitants, who are of late greatly increased: and whereas the lord provost, magistrates, and council of the said city, as well in farther execution of the before-recited acts, as in view to the extension aforesaid, have expended large sums of money in purchasing houses and areas on the north side of the high street of the said city, and in building a bridge, whereby an easy and proper communication will be opened to the city: and whereas the grounds after mentioned are without the royalty of the said city; and it being just and reasonable that the royalty of the said city should be extended over these grounds, in consideration of the great expence the city has been and will be put to in building the said bridge, and making the communication and access to the said city otherwise easy; and for the equal apportioning of publick burdens and benefits, and administration of justice amongst all the real inhabitants of the place; but as this salutary purpose cannot be accomplished without the authority of parliament, and as the proprietors of the several parcels of ground after mentioned, have either consented, or are bound by their titles to consent, that their respective lands shall be included within the royalty of the city of Edinburgh, your Majesty's most dutiful and loyal subjects, the lord provost, magistrates and council of the city of Edinburgh, on behalf of themselves and community of the said city, do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and sixty seven, the royalty of the city of Edinburgh shall be extended over, and comprehend the following lands, which now belong in property to the said city, *videlicet*, Thirty four acres, one rood, twelve falls, and twenty six ells, being part of the lands and barony of Broughton: also thirty two acres of the lands called Baresfoot Parks: also six acres, ten falls, and twelve ells of lands of Moultriehill: also two acres, two roods, thirteen falls, and twenty four ells, and one rood, thirty five falls, and twelve ells, likewise parts of the said barony of Broughton, and lately purchased from James Hogg and Katharine Thomson: and also the lands called Forglen and Allen's Parks, the lands of Caltonhill, the lands of Greenside, and the lands of Piccardy (excepting such parts of the lands of Calton Hill which lie within the barony of Wester Restalridge, and do not belong in property to the city of Edinburgh) and also these other lands which have been feued by the governors of George Herriot's hospital, to the several persons after-mentioned, under an express condition and covenant, that in case the royalty of the city of Edinburgh should at any time thereafter be extended, so as to comprehend their grounds, they, their heirs and assigns, or the proprietors of the said grounds for the time, should not only be subjected to build such houses as they shall build thereon, agreeably

The royalty of the city of Edinburgh extended.

ably to the plan to be concerted by the town council of *Edinburgh*, and other managers for the time; but likewise the said houses to be built thereon shall be subject and liable to pay the same publick burdens as the other inhabitants of the city are subject and liable to pay; *videlicet*, Four acres, feued to *Hew Crawford*; five acres, twenty four falls, and twenty one ells, to *James Grant*; twelve acres, one rood, and thirty nine falls, to *James Stuart*; one acre, two roods, and nineteen falls, to *Andrew Chalmer*; two acres and one rood to *John Jardine*; nine acres, one rood, thirty three falls, and thirty four ells, to *James Finlay*; two acres, one rood, thirty nine falls and half a fall, to *Robert Raeburn*; eleven acres and sixteen falls to *Charles Erskine*; nineteen acres, two roods, four falls, and thirty one ells, to *Alexander Cunninghame*; five acres, one rood, thirty two falls, and fifteen ells, to *Robert Anderson*; one acre, one rood, and sixteen falls, to *Thomas Simpson*; one rood to *Thomas Spence*; five acres, one rood, twenty six falls, and five ells, to *Andrew Chalmer*; twenty six falls to *William Lauder*; thirteen acres, three roods, and fifteen falls, to *William Mure*; one acre, twenty six falls, and half a fall, to *Robert Mylne*; three acres, two roods, and thirty seven falls, to *Robert Anderson*; one rood, twelve falls, and half a fall, to *Daniel Seton*; twenty three falls to *Patrick Fairley*; two acres, one rood, thirty six falls, and ten ells, to *Alexander Hunter*; and two acres, three roods, twenty four falls, and thirty two ells, feued to *Lauchlan Hunter*: and likewise the following two parcels of land, which, by consent of the proprietors, are to be included within the said royalty; *videlicet*, Eleven acres, and half an acre, of the lands of *Broughton*, belonging to the heirs of *George Drummond* esquire, deceased; and seven acres, three roods, and twenty falls, part of the lands of *Broughton Parks*, belonging to the governors of *George Herriot's* hospital: and that the said magistrates and town council, from and after the said twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and sixty seven, shall have and enjoy the same rights, privileges, and jurisdictions, over the said grounds hereby annexed to and comprehended in the said royalty, as they do now enjoy and exercise over and within the limits of the present royalty, by any law, statute, or established custom; and shall, and they are hereby impowered to levy the same maills, duties, customs, and other taxations, within these annexed grounds, in the same manner, and by such actions at law, as the said magistrates and town council are intitled to use, by any law, statute, or otherwise, within the present royalty, for recovery of such maills, duties, customs, and taxations, as aforesaid.

II. *And whereas several parcels of the lands feued out as aforesaid by the governors of George Herriot's hospital, and comprehended within the said royalty, were granted by the said governors, and acquired by the purchasers for the purpose of building thereupon country-houses and offices, with gardens and inclosures adjoining; and it being reasonable that the parcels so granted should not be subjected to the city burdens* Certain lands on which country-houses have been built, exempted from city taxations.

burdens and taxations, so long as they shall continue to be used and occupied in the manner and for the purposes originally granted; be it therefore enacted by the authority aforesaid, That nothing in this act contained shall be understood to subject to the said city burdens and taxations any country-house or offices, built or to be built on such parcels of land as aforesaid, in any case where the owner of such country-house is possessed in property of at least three acres of ground adjoining to such country-house and offices, including the areas of the same, and on which there shall be no other buildings, except the country-house and offices aforesaid.

Five acres, of which John Dickson is to obtain a feu-right, not to be comprehended in the royalty without his consent.

III. Provided always, and it is hereby enacted and declared, That the five northmost acres of the aforesaid seven acres, three roods, and twenty falls, part of the lands of *Broughton*, belonging to the governors of *George Herriot's* hospital, of which five acres *John Dickson* of *Kilbucho* esquire is to obtain a feu-right, by virtue of articles of agreement entered into betwixt him and the magistrates and town council of *Edinburgh*, shall not be comprehended within the royalty of the said city of *Edinburgh*, unless the said *John Dickson* or his heirs do, by a written consent under his or their hands, signify his or their willingness to have the said five acres comprehended within the royalty of the said city; and that the said consent be recorded in the particular register of feines for the shire of *Edinburgh*, within twelve calendar months after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and sixty seven; any thing in this act to the contrary notwithstanding.

Rights of the college of justice saved.

IV. Provided always, and it is hereby specially provided and declared, That nothing in this act shall prejudice the rights, privileges, and immunities, competent to the college of justice; but that whatever rights, privileges, and immunities, belong to them within the present city, shall likewise be understood to belong to them within the bounds over which the royalty by this act is extended.

Royalty not extended to the lands of *Caustonhill*, in the barony of *Wester Restalridge*, &c.

V. Provided always, and it is hereby declared, That nothing herein contained shall extend to that part of the lands of *Caustonhill*, lying within the barony of *Wester Restalridge*, which do not belong to the said city of *Edinburgh*; or to the rights, liberties, and immunities, presently enjoyed by the managers and trustees of the cambrick manufactures in the lands of *Piccardy* before mentioned; all which rights, liberties, and immunities, are hereby expressly saved and reserved to the said managers and trustees; any thing herein contained to the contrary notwithstanding.

Sheriff of Mid Lothian to ascertain the boundaries.

VI. Provided always, and it is hereby enacted and declared, That it shall and may be lawful for the sheriff of the county of *Mid Lothian*, and he is hereby impowered and required, upon application of the lord provost, magistrates, and council of the said city of *Edinburgh*, to ascertain and set off the exact limits and boundaries of the aforesaid grounds above described, agree-

able to the charters and infeftments granted to the proprietors of the said grounds, and that in a fummary manner.

VII. Provided always, and it is hereby enacted and declared, That it may and shall be lawful for any person who apprehends himself aggrieved by the determination of the said sheriff of the county of *Mid Lothian*, to apply for redress to the lords of council and session, either by advocacy, suspension, or ordinary action, within twelve calendar months after his determination; and failing of any such application for relief within the time aforesaid, then the order and determination of the said sheriff is and shall be final.

Persons aggrieved may appeal to the lords of council and session.

VIII. Provided always, and it is hereby declared, That it shall be competent for the sheriff of the county of *Mid Lothian*, and the justices of the peace for the said county, to exercise the same powers and jurisdictions within the said lands hereby annexed to and comprehended within the said royalty, as are competent to the said sheriff and justices of peace within the present royalty; any thing in this act to the contrary notwithstanding.

Sherrif and justices of Mid Lothian to exercise jurisdiction over the lands annexed.

IX. Provided always, and it is hereby enacted and declared, That all leases, renunciations, and reversions of lands, and other subjects, lying within the limits hereby annexed to and comprehended in the said royalty, shall be registered in the particular register of leases, renunciations, and reversions, kept at *Edinburgh* for the sheriffdoms of *Edinburgh*, *Linlithgow*, *Haddington*, and *Bathgate*, as they presently are in use to be registered there; any thing to the contrary in this act notwithstanding.

Leases, &c., to be registered.

X. And be it further enacted by the authority aforesaid, That the said magistrates and town council of the city of *Edinburgh*, shall have full power to appoint stent masters to levy from the proprietors and possessors of all such houses as are built, or shall hereafter be built, upon the foresaid grounds hereby annexed to, and comprehended within, the said royalty, an equal portion of the cess-annuity, poors-money, and watch-money, payable by the city of *Edinburgh*, in the same way and manner as the same are now levied within the present royalty.

Stent masters to levy the cess, &c.

XI. Provided always, That the heritors of the said county of *Mid Lothian*, and all other person and persons whatsoever, shall have and enjoy all such rights and privileges for transporting their goods and commodities through the whole grounds hereby annexed, as they now have and enjoy through the limits of the present city of *Edinburgh*: and that no city duties or imposts for importation, or otherwise, shall be claimed or extracted upon wines, or other liquors, timber, or any other merchandise whatsoever, for passing through any of the said grounds hereby annexed, unless the same shall be unpacked or consumed within the said city and annexed grounds.

Heritors of Mid Lothian to enjoy the same right through the grounds annexed, as through the city of Edinburgh.

XII. Provided always, and it is hereby enacted, That the several lands hereby annexed to the royalty of the city of *Edinburgh*, shall, besides the cess to be levied by the collector of the town for and in respect of the houses and buildings, remain liable to the cess, and publick taxes.

Lands annexed liable to the cess, and publick taxes.

able, and be subjected to the payment of a rateable proportion of the cess and land tax, and other publick taxes imposed, or to be imposed, on the shire of *Edinburgh*, for and in respect of the ground, to be levied in the same manner as formerly; any thing in this act to the contrary notwithstanding.

All persons may exercise trades within limits of lands annexed.

XIII. Provided always, and it is hereby enacted and declared, That it shall and may be lawful to all and every person and persons to exercise any trade or calling within the limits of the lands hereby annexed to, and comprehended within, the said royalty; any thing in this present act to the contrary notwithstanding: saving always, and reserving to the several societies and incorporations within the city of *Edinburgh*, all such rights and privileges which do now belong and are enjoyed by them within the limits of the present royalty of the said city.

Saving to the tenants holding under tacks from the city of *Edinburgh*.

XIV. Provided always, and it is hereby expressly declared, That nothing herein contained shall extend to, or prejudice, the rights of tenants holding under tacks from the city of *Edinburgh* any of the lands hereby annexed to, and comprehended within, the said royalty, and belonging in property to the community of the said city.

Grounds annexed to the royalty of the city, annexed to the parish of St. Giles.

XV. Provided always, and be it enacted, That the aforesaid grounds hereby annexed to, and comprehended within, the royalty of the city of *Edinburgh*, shall be, and they are hereby, for ever after, disjoined from the parish of Saint *Cuthbert's* or *Westkirk*, and *South Leith*, and are hereby annexed to the parish of Saint *Giles* within the city of *Edinburgh*.

Lands disjoined from the parishes of St. *Cuthbert's* and *South Leith*, subject to ministers stipends, &c.

XVI. Provided always, That the lands hereby disjoined from the parishes of Saint *Cuthbert's* and *South Leith*, and the heritors thereof, shall remain liable and be subjected to the ministers stipends, and other parochial burdens; and that the tythes payable out of the lands hereby annexed, shall be, and the same are hereby, saved and reserved to the true owners thereof, in the same manner as if this act had never passed.

Patronage of churches built on annexed lands, to belong to the city of *Edinburgh*.

XVII. Provided always, and be it enacted by the authority aforesaid, That the right of patronage of such churches as shall be built and endowed by the community of the city of *Edinburgh* upon any of the said grounds hereby annexed to, and comprehended within, the said royalty, shall, and is hereby declared, to belong to the said city of *Edinburgh*, in the same manner as the said city holds the patronages of the churches within the ancient royalty.

Saving to his Majesty and others.

XVIII. Saving also, and reserving to his Majesty, and all other person or persons concerned, all rights and interests (other than the present extension of the said royalty) which they had, have, or may have, in the lands hereby annexed.

A theatre to be established at *Edinburgh*.

XIX. And whereas a licensed playhouse is much wanted in that part of the united kingdom called Scotland; be it therefore further enacted by the authority aforesaid, That so much of an act of parliament which passed in the tenth year of his late Majesty's reign, intituled, *An act to explain and amend so much of an act made in the twelfth year of the reign of Queen Anne, intituled, An act*

for

for reducing the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament; and for the more effectual punishing such rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent; as relates to common players of interludes; whereby all persons are discharged to represent any entertainment of the stage whatever, in virtue of letters patent from his Majesty, or by licence of the lord chamberlain of his Majesty's household for the time being, except within the liberties of *Westminster*, or where his Majesty is residing for the time being, be, and the same is hereby, repealed, so far as the same respects the city of *Edinburgh*: and that it shall and may be lawful to his Majesty, his heirs, and successors, to grant letters patent for establishing a theatre or playhouse in the city of *Edinburgh*, or suburbs thereof, which shall be intitled to all the privileges, and subjected to all the regulations, to which any theatre or playhouse in *Great Britain* is intitled and subjected.

XX. Provided always, and it is hereby declared, That this act is a publick act; and shall be deemed and taken notice of as such by all judges, justices, and others, in all courts and places, without specially pleading the same. Publick act.

C A P. XXVIII.

An act for granting to his Majesty additional duties upon certain linen cloth imported; and for carrying such duties, together with the additional duties granted in this session of parliament upon the importation of bast or straw, chip, cane, and horse-hair bats and bonnets, and certain materials for making the same, to the sinking fund.

Most gracious Sovereign,

WHEREAS by an act made in this session of parliament, the sum of one million five hundred thousand pounds is authorized to be raised for the publick service, by annuities after the rate of three pounds per centum, and a lottery to be attended with annuities after the like rate; and all such annuities are, by the said act, charged upon the fund commonly called The Sinking Fund: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards making good the payment of the said annuities so charged on the said fund, have resolved to give and grant unto your Majesty the several additional rates and duties herein after mentioned; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *May*, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, the several additional rates and duties following; that is to say,

The following additional duties upon certain linen cloth imported, to take place on 25 May, 1767.

The duties. For every ell of linen cloth or sheeting above one yard *English* in width (except *Flanders* holland cloth) which shall be imported into *Great Britain*, three pence.

For every ell of linen cloth called *Drilling*, which shall be imported into *Great Britain*, three pence.

And after those rates for any greater or less quantity of such goods respectively, over and above all other duties imposed thereon by any former act of parliament.

Certain species of cloth exempted from these duties.

II. Provided always, and it is hereby further enacted, That nothing herein before contained shall extend, or be construed to extend, to any linen cloth the produce and manufacture of the *East Indies*; nor to any damask or diaper tabling, napkenning, or towelling; nor to any cambricks or lawns; nor to any *Dutch* barras or *Hessens* canvas, which may be imported into this kingdom.

Duties to be paid down in ready money; and to be raised and paid as the former duties.

III. And be it further enacted by the authority aforesaid, That the said duties granted by this act shall be paid down in ready money, without any discount or allowance; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are prescribed or appointed for raising, levying, collecting, and paying, the former duties upon the like goods, imported into this kingdom, by any act or acts of parliament now in force, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, respectively relating thereto, were particulary repeated, and again enacted, in the body of this present act.

These duties to be repaid upon such of the said goods as shall be exported within 3 years.

IV. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any goods or merchandizes that have paid the duties hereby granted shall, at any time or times, be again exported by any merchant or merchants, within three years from the importation thereof; the duty by this act granted, and which shall have been actually paid, for such goods or merchandizes, shall, without any delay or reward, be repaid unto such merchant or merchants who shall export the same; under the same rules, regulations, and restrictions, penalties and forfeitures, as are prescribed and directed by any act of parliament with respect to any former drawback upon such goods.

Duties to be paid into the Exchequer apart from all other branches of the publick revenue; and to be carried to the sinking fund, towards payment of the

V. And be it further enacted by the authority aforesaid, That the money arising by the several rates and duties herein before granted (except the necessary charges of raising, collecting, recovering, and paying, the same) shall, from time to time, be respectively paid into the receipt of his Majesty's Exchequer, distinctly and apart from all other branches of the publick revenue; and shall be carried to, and made part of, the fund, commonly called *The Sinking Fund*, towards making good the payment of the annuities in respect of the said one million five hundred thousand pounds, charged upon the said fund by the said act

made

made in this session of parliament, intituled, *An act for raising the sum of one million five hundred thousand pounds by way of annuities, and a lottery attended with annuities, to be charged on the sinking fund.*

annuities charged thereon by the lottery act, &c. of this session. The duties, granted this session, upon straw and chip hats, to be carried to the said fund, towards making good the payment of the said annuities.

VI. And be it further enacted by the authority aforesaid, That the monies which shall, from time to time, arise and remain in the receipt of his Majesty's Exchequer, of the duties granted by an act made in this session of parliament, intituled, *An act for granting to his Majesty additional duties upon bast or straw, chip, cane, and horse-hair hats and bonnets, and upon certain materials for making the same, imported into this kingdom,* shall be also carried to, and made part of, the said fund, towards making good the payment of the said annuities.

CAP. XXIX.

An act for explaining an act made in the twenty ninth year of the reign of Queen Elizabeth, to prevent extortion in sheriffs, under-sheriffs, and bailiffs of franchises or liberties, in cases of execution.

WHEREAS by an act made in the twenty ninth year of the reign of Queen Elizabeth, intituled, *An act to prevent extortion in sheriffs, under-sheriffs, and bailiffs of franchises or liberties, in cases of execution; it is, amongst other things, enacted, That it shall not be lawful to or for any sheriff, under-sheriff, bailiff of franchises or liberties, nor for any of their officers, ministers, servants, bailiffs, or deputies, nor for any of them, by reason or colour of their or either of their office or offices, to have, receive, or take, of any person or persons whatsoever, directly or indirectly, for the serving and executing of any extent or execution upon the body, lands, goods, or chattles, of any person or persons whatsoever, more or other consideration or recompence than in this present act is and shall be limited and appointed, which shall be lawful to be had, received, and taken; that is to say, twelve pence of and for every twenty shillings, where the sum exceedeth not one hundred pounds; and six pence of and for every twenty shillings, being over and above the said sum of one hundred pounds, that he or they shall so levy or extend, and deliver in execution, or take the body in execution for, by virtue and by force of any such extent or execution whatsoever: and whereas, as the law now stands, sheriffs are, by virtue of the said recited act, intituled to the poundage therein mentioned, for taking the body of any person in execution, upon judgements obtained upon bail bonds, entered into for the appearance of persons prosecuted for offences against the laws relating to his Majesty's revenues of customs or excise, such bail bonds being prosecuted in the name and at the suit of the sheriffs to whom such bail bonds are given, though the sheriffs prosecuting such bands are merely trustees in the suits, for the benefit of the crown, and the sheriffs executing such process would not in those cases be intitled to any poundage, if the proceedings were carried on in the name of the crown; by means whereof the intent of the laws relating to the revenues of the customs and excise, will in such cases be so far defeated: to remedy which inconveni-*

Preamble, reciting clause in act 29 Eliz.

Cases wherein
sheriffs, &c.
are declared
not intitled to
poundage, by
virtue of the
recited act.

ence for the future, may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act shall not extend, or be construed to extend, to allow any sheriff, under-sheriff, or other person whatsoever employed in the execution of process, any poundage for taking the body of any person in execution, upon any process at the suit of any sheriff, or other officer or minister of the crown, upon any bail bond entered into for the appearance of any person prosecuted, either for any duties due or payable to his Majesty, his heirs, or successors; or for any penalty inflicted by any act of parliament made or to be made for the preventing the clandestine running or receiving any customable or prohibited goods; or in any case whatsoever where the sheriff or officer executing such process would not be intitled to poundage, if the proceedings were or had been carried on directly in the name of the crown; any thing in the said recited act, or any other act, to the contrary notwithstanding.

C A P. XXX.

An act for allowing the free importation of rice, sago powder, and vermicelli, into this kingdom, from his Majesty's colonies in North America, for a limited time.

Preamble.

WHEREAS *the allowing the free importation of rice, sago powder, and vermicelli, from his Majesty's colonies in North America into Great Britain, for a limited time, may be of great advantage:* may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fourth day of *May*, one thousand seven hundred and sixty seven, it shall and may be lawful for any person or persons to import into *Great Britain*, from any of his Majesty's colonies in *North America*, at any time or times before the first day of *December*, one thousand seven hundred and sixty seven, any rice; and at any time or times before the first day of *December*, one thousand seven hundred and eighty one, any sago powder and vermicelli; without the payment of any subsidy, custom, duty, or imposition whatsoever; any thing in any former act or acts of parliament, to the contrary thereof in any wise notwithstanding.

Rice allowed
to be imported
duty-free
from North
America at
any time be-
tween 4 May
and 1 Dec.
1767;
and sago pow-
der, and ver-
micelli, at any
time before 1
Dec. 1781.

C A P. XXXI.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members, and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid, and for allowing them time to provide

provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Preamble, reciting the several qualifying acts of 1 Geo. 7. 13 Car. 2. 25 Car. 2. 30 Car. 2. 8 Geo. 1. 9 Geo. 2. 18 Geo. 2. 2 Geo. 3. and 6 Geo. 3. Persons, who at, or before, the passing of this act, have omitted to qualify themselves for offices and employments, as the laws direct, &c. and who shall duly qualify themselves on or before 25 Dec. 1767; and deputy lieuts. and officers of the militia, who shall, on or before the said 25 Dec. duly leave their qualifications with the clerks of the peace; are indemnified for any such previous omission, and recapacitated; and all elections and acts done, or to be done, by them, &c. are declared to be as valid, as if they had before duly qualified themselves as the said several acts direct; except in such cases where final judgement hath been given in any court for the penalty incurred by any such omission. Town clerks, and other public officers, and persons, whose appointments, and admissions, or entries of admissions, in the court books, may not have been provided; or not duly stamp; or which have been lost or mislaid; providing, &c. the same on or before 25 Dec. 1767, are confirmed in their offices, and indemnified, notwithstanding such omission. Offices, &c. already avoided by judgement of a court, and legally filled up, confirmed. Persons who have omitted to cause affidavits to be made and filed within due time, of contracts to serve as clerks to attornies, or solicitors; causing the same to be done on or before 25 Dec. 1767, are indemnified; and such affidavits are declared to be effectual. Persons sued may plead the General Issue.

CAP. XXXII.

An act for applying the money granted, in this session of parliament, for carrying on an additional building for a more commodious passage to the house of commons, from Saint Margaret's Lane and Old Palace Yard.

WHEREAS the sum of two thousand pounds has been granted Preamble.
to his Majesty, in this session of parliament, towards carrying
on an additional building for a more commodious passage to the house of
commons, from Saint Margaret's Lane and Old Palace Yard: and
whereas an act passed in the twenty ninth year of the reign of his late Act 29 Geo. 2.
majesty King George the Second, intituled, An act to enable the
commissioners for building a bridge cross the river Thames, from
the city of Westminster to the opposite shore in the county of
Surrey, to purchase houses and grounds, and to widen the ways,
and to make more safe and commodious the streets, avenues,
and passages, leading from Charing Cross to the two houses of
parliament, Westminster Hall, and the courts of justice there, and
Westminster Bridge; and to enable a less number of commissioners
to execute the several acts relating to the said bridge, than
at present are required by law; and for relief of George and James
King, with regard to a lease taken by their late father from the
said commissioners: and whereas the ways and passages to the house
of commons might be rendered more open, safe, and commodious, in
case the said commissioners were enabled to purchase, pull down, and
remove, certain houses and buildings, and to carry on an additional
building from Saint Margaret's Lane and Old Palace Yard: may
it therefore please your most excellent Majesty, that it may be
enacted; and be it enacted by the King's most excellent majesty,
by

Three or more commissioners for Westminster Bridge are authorized to agree for the purchase of any freeholds, &c. necessary for the purpose of carrying on an additional building for a more commodious passage to the house of commons.

A sum not exceeding 2000l. to be issued, and applied, out of the aids granted in this session, towards the said purchase and buildings.

Charges of this act to be first paid out of the said monies.

Commissioners, and persons acting under them, indemnified for what they shall do in pursuance of this act.

Limitation of actions.

General Issue.

by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said commissioners, or any three or more of them, shall, and they have hereby full power and authority to agree with any owner or owners, occupier or occupiers, for the purchase of any freeholds, buildings, tenements, or estates whatsoever, for carrying on an additional building for a more commodious passage to the house of commons, from *Saint Margaret's Lane* and *Old Palace Yard*; and for that purpose shall be vested with the same powers and authorities for the purpose of obtaining, purchasing, pulling down, or removing, any building or buildings, selling the old materials, carrying on the said new intended building, and doing all matters and things thereunto belonging, in as full and ample manner, and to all intents and purposes, as they the said commissioners were invested with by the said before recited act, with respect to the matters therein contained, or any other act or acts of parliament; and in the same manner as if the same clauses, provisions, powers, directions, and authorities, were herein particularly repeated and re-enacted.

II. And be it further enacted, That out of all or any the aids and supplies granted to his Majesty for the service of the year one thousand seven hundred and sixty seven, there shall be issued and applied any sum or sums of money, not exceeding two thousand pounds; to be applied towards the said purchase or purchases, and of carrying on the said new intended buildings and alterations, in such manner and at such times as the said commissioners, or any three or more of them, shall, from time to time, order and direct.

III. And be it further enacted by the authority aforesaid, That all such costs and charges as shall be incurred in obtaining this act, and carrying the same into execution, shall be, in the first place, paid out of the monies hereby granted.

IV. And be it further enacted by the authority aforesaid, That the said commissioners, and each and every other person and persons authorized by the said commissioners, or any three or more of them, to do any act in execution of any of the powers intended to be hereby vested in the said commissioners, are and shall be hereby indemnified for what they shall do in pursuance of this act: and that if any action shall be brought, or suit commenced, against any person or persons for any thing done in pursuance of this act, or in relation to the premises herein before mentioned; every such action or suit shall be laid or brought within six calendar months after the fact committed; and such action shall be laid in the county of *Middlesex*, and not elsewhere; and the defendant or defendants, in such action or suit, shall and may be at liberty to plead the General Issue, and give this act and the special matter in evidence, without specially pleading the same.

C A P. XXXIII.

An act to inforce, in that part of Great Britain called Scotland, the execution of an act of the last session of parliament, intituled, An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights; and for explaining the said act.

WHEREAS several duties were granted upon houses, windows, and lights, by an act made in the last session of parliament, intituled, An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights: and whereas the rates and duties thereby granted were directed to be raised and levied in such manner as the duties hereby repealed were directed to be raised and levied by the several acts therein mentioned, except with respect to such particulars wherein the said act of the last session of parliament had altered the same: and whereas difficulties have arisen with respect to the raising the said duties upon houses, windows, or lights, within that part of Great Britain called Scotland, by reason that an act made in the twenty sixth year of the reign of his late Majesty, intituled, An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland, is not mentioned or referred to in the said act made in the last session of parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things contained in the said act, made in the twenty sixth year of his said late Majesty's reign, for the more effectual levying, collecting, and paying the duties therein mentioned, in that part of Great Britain called Scotland (except such as are varied by the said act passed in the last session of parliament, or by this act) shall be in full force, and be duly observed, practised, and put in execution, throughout that part of Great Britain called Scotland, for raising, levying, collecting, and paying, from the tenth day of October, one thousand seven hundred and sixty six, the several duties upon houses, windows, and lights, by the said act, made in the last session of parliament, granted, as fully and effectually, to all intents and purposes, as if the same, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, had been particularly repeated and re-enacted in the body of the said act made in the last session of parliament; and that all acts and proceedings (if any have been) for raising and levying the said duties upon houses, windows, or lights, in that part of Great Britain called Scotland, granted by the said act of the last session of parliament, agreeably to the provisions made in the said act of the twenty sixth

Preamble, re-citing act 6 Geo. 3.

& 26 Geo. 2.

The powers and directions, &c. in the recited act of 26 Geo. 2. where not altered by the recited act of the last session, to be carried into execution in Scotland, with respect to the duties on houses, windows, and lights there, granted by the said act of 6 Geo. 3. from 10 Oct. 1766. All proceedings already had for raising the said duties declared valid;

sixth year of the reign of his late Majesty, shall be valid and effectual; and all persons concerned therein shall be, and are hereby indemnified in respect thereof.

II. *And whereas doubts have arisen, whether commissions and warrants given and granted unto the several officers employed in the survey and inspection of the rates and duties upon houses, windows, and lights, by the said former acts imposed, are or shall be deemed good, valid, and effectual, in respect of the rates and duties granted by the said act made in the last session of parliament; be it therefore declared and enacted by the authority aforesaid, That all commissions and warrants already given and granted to such officers shall be, and be deemed, valid and effectual with regard to the rates and duties granted by the said act made in the last session of parliament, to all intents and purposes whatsoever, as if the said commissions and warrants had been or were granted and made out to every such officer respectively, subsequent to the passing, and in pursuance of the said act made in the last session of parliament.*

as also all commissions granted to the surveyors and inspectors of the said duties.

C A P. XXXIV.

An act for allowing further time for inrollment of deeds and wills made by Papists; and for relief of Protestant purchasers.

Preamble, reciting the acts 3 Geo. 1. 10 Geo. 2. & 3, 6, 9, 11, 12, 16, 19, 26, 28, 31, & 33, Geo. 2. Further time given for inrolling deeds and wills of Papists, till 1 Jan. 1768. No deed, will, or lease, made good hereby, whereof advantage has been taken of the non-inrollment thereof, before 5 May, 1767. Purchases made by Protestants shall stand good, if no advantage has been taken for non-inrollment. No grant, lease, or mortgage, of the advowson, or right of presentation to a living, &c. made by any Papist in trust, &c. to be hereby deemed good.

C A P. XXXV.

An act to continue several laws therein mentioned, relating to the clandestine running of uncustomed goods, and preventing frauds relating to the customs; to prevent the clandestine running of goods, and the danger of infection thereby; to the granting liberty to carry rice from his Majesty's provinces of Carolina and Georgia, in America, directly to any part of Europe southward of Cape Finisterre, in ships built and navigated according to law; and to the prohibiting the importation of books reprinted abroad, and first composed, written, and printed, in Great Britain.

Preamble.

WHEREAS the several laws herein after-mentioned are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several clauses in an act made in the fifth year of the reign of his majesty King George the First, intituled, *An act against clandestine running of uncustomed goods; and for the more effectual preventing of frauds*

Clauses in act 5 Geo. 1. against clandestine running of goods, &c.

frauds relating to the customs; relating to such foreign goods, wares, and merchandizes, as shall be taken in at sea out of any ship or vessel, in order to be landed or put into any other ship or vessel, or boat; and also relating to goods not reported, and found after clearing ships; and whereby further remedies are provided against relanding goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and also relating to the opening or altering the package of goods on board ships outward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vessels not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to *Ireland*; which were to have continuance for the term of three years from the several times of the commencement thereof, and from thence to the end of the then next session of parliament respectively; and which by several subsequent acts passed in the ninth year of his said Majesty's reign, and in the second, eighth, fifteenth, and sixteenth, twentieth, twenty seventh, and thirty third years of the reign of his late majesty King *George* the Second, were further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the expiration thereof, to the twenty ninth day of *September*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

and which were continued by several subsequent acts,

further continued to 29 Sept. 1774.

II. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his majesty King *George* the First, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarentine; and to subject copper ore, of the production of the British plantations, to such regulations as other enumerated commodities of the like production are subject*; which was to be in force for two years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which, by several subsequent acts (except the clauses obliging all ships and vessels to perform quarentine) was to have further continuance to the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; and which, by an act made in the twentieth year of the reign of his late majesty King *George* the Second, was intended to be further continued to the first day of *June*, one thousand seven hundred and fifty four, but, by mistake, the year one thousand seven hundred and forty seven, was inserted therein, instead of the said year one thousand seven hundred and fifty four; and which, by several subsequent acts made in the twenty first, twenty seventh, and thirty third years of the reign of his said late Majesty, was further continued, from the expiration

Act 8 Geo. 1. to prevent the clandestine running of goods, and the danger of infection thereby, &c.

which was continued by several subsequent acts,

tion

further continued to 29 Sept. 1774.

Act 3 Geo. 2. for granting liberty to carry rice from Carolina directly to any part of Europe southward of Cape Finisterre, &c.

and act 8 Geo. 2. for extending that liberty to Georgia;

which were continued by several subsequent acts, further continued to 29 Sept. 1774.

Part of act 12 Geo. 2. for prohibiting the importation of books reprinted abroad, and first composed and printed in Great Britain, &c.

which was continued by several subsequent acts,

further continued to 29 Sept. 1774.

tion thereof, until the twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the expiration thereof, to the said twenty ninth day of *September*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his late Majesty, intituled, *An act for granting liberty to carry rice from his Majesty's province of Carolina in America, directly to any part of Europe southward of Cape Finisterre, in ships built in and belonging to Great Britain, and navigated according to law*, which was to be in force for five years, from the twenty ninth day of *September*, one thousand seven hundred and thirty, and from thence to the end of the then next session of parliament; and also an act made in the eighth year of the reign of his said late Majesty, to continue the said act from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament, and to extend that liberty to his Majesty's province of *Georgia in America*; which said acts, by several subsequent acts made in the fifteenth and sixteenth, twentieth, twenty seventh, and thirty third years of his said late Majesty's reign, were further continued from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, to the said twenty ninth day of *September*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

IV. And be it further enacted, That so much of an act made in the twelfth year of the reign of his late Majesty, intituled, *An act for prohibiting the importation of books reprinted abroad, and first composed, or written and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen Anne, as impowers the limiting the prices of books*; which act was to continue in force from the twenty ninth day of *September*, one thousand seven hundred and thirty nine, for the space of seven years, and from thence to the end of the then next session of parliament; and which, so far as relates to the prohibiting the importation of books reprinted abroad, and first composed or written and printed in *Great Britain*, by several subsequent acts made in the twentieth, twenty seventh, and thirty third years of his said late Majesty's reign, was further continued from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, to the said twenty ninth day of *September*, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.

CAP. XXXVI.

And act to continue so much of an act made in the thirty third year of the reign of his late Majesty, as relates to the free importation of cochineal and indico, and for allowing the bounties granted by any acts of parliament now in being upon the exportation of corn and malt declared or made for exportation, and barley steeped and entered at the excise office to be made into malt for exportation, before a limited time.

WHEREAS the law herein after mentioned is near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the seventh year of the reign of his late majesty King George the Second, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for the free importation of cochineal during the time therein limited; and also for the free importation of indico; which was to continue in force from the twenty fourth day of June one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts passed in the fourteenth, twentieth, twenty seventh, and thirty third years of his said late Majesty's reign, was further continued, from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby, further continued, from the expiration thereof, to the twenty ninth day of September, one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament.*

II. *And whereas by an act of parliament made in the present session of parliament, intituled, An act to prohibit for a limited time the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch, and also the extraction of low wines and spirits from wheat and wheat flour, it was enacted, That no person or persons should, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from Great Britain or Ireland, or load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel, or boat, in order to be exported, or carried out of the said kingdom of Great Britain or Ireland (except to such places, and for such purposes, as in the said act are mentioned) any sort of corn, meal, malt, flour, bread, biscuit, or starch, under the penalties therein mentioned; in which act is a provisoe, That any thing therein contained should not extend to any malt declared or made for exportation, and barley steeped and entered at the excise office to be made into malt for*

exportation, on or before the fifteenth day of November, one thousand seven hundred and sixty six, which should be exported, provided the requisites therein mentioned were complied with by the proprietor or proprietors thereof; and also another proviso, That no corn, grain, meal, malt, flour, bread, biscuit or starch, which should be exported by virtue of the said act, should be intitled to any of the bounties or drawbacks which are allowed and made payable on the exportation of such commodities, or any of them: And whereas divers persons within this kingdom did buy considerable quantities of barley, and made the same into malt for exportation, or steeped and entered the same at the excise office to be made into malt for exportation, on or before the said fifteenth day of November, one thousand seven hundred and sixty six; and such barley was bought of the growers thereof at an advanced price, on a dependance that the bounty would be paid on the exportation thereof; and the greatest part of the said malt hath, since the said fifteenth day of November, been actually exported, and the rest still remains under the locks of the excise; be it therefore further enacted by the authority aforesaid, That the bounty or bounties granted on the exportation of malt by any act or acts of parliament now in being, shall be allowed and paid to each and every exporter and exporters of all malt declared or made for exportation, and barley steeped and entered at the excise office to be made into malt for exportation, on or before the said fifteenth day of November, one thousand seven hundred and sixty six, which, since that time, hath been, or shall be, exported; in the same manner as if the said act made in the present session of parliament had never been made; any thing herein contained to the contrary notwithstanding.

Bounty to be allowed on the exportation of all such malt as was declared or made for exportation; and barley steeped and entered to be made into malt for exportation, on or before 5

Nov. 1766, and which since that time hath been, or shall be, exported.

CAP. XXXVII.

An act for completing the bridge cross the river Thames, from Black Friars in the city of London, to the opposite side in the county of Surry, and the avenues thereto on the London side; for redeeming the tolls on the said bridge, and on London bridge; for rebuilding the gaol of Newgate in the said city; for repairing the Royal Exchange within the same; for embanking part of the north side of the said river, within certain limits; and for further continuing, towards those purposes, the imposition of sixpence per chaldron, or ton, of coals and culm imported into the port of the said city, established by an act of the fifth and sixth years of the reign of King William and Queen Mary; and also for carrying on the new pavements in the city and liberties of Westminster, and parishes adjacent, and in the town and borough of Southwark; and for other purposes therein mentioned.

Preamble, recites the act of 29 Geo. 2.

WHEREAS by an act of parliament passed in the twenty ninth year of the reign of his late majesty King George the Second,

Second, intituled, An act for building a bridge cross the river Thames, from Black Friars in the city of London, to the opposite side in the county of Surry; the mayor, aldermen, and commons, of the said city, in common council assembled, were impowered to build the said bridge; and to make, enlarge, or improve streets, ways, and passages, on each side of the said river, so and from the the said bridge; and to light and watch the same when built; and to take certain tolls for the passage over the same; and, upon the credit thereof, to raise any sum, not exceeding one hundred and sixty thousand pounds: And whereas the said mayor, aldermen, and commons,

for building a bridge at Black Friars.

in common council assembled, have proceeded in the execution of the said act; and, towards the purposes thereof, have borrowed and raised the sum of one hundred and forty four thousand pounds, besides contributing the sum of sixteen thousand two hundred pounds; which two sums, together with the profits made by the dividends and sale of the public funds, wherein part of the said monies was invested, and by the sale of old materials, and otherwise, did, upon the fifth day of July, in the year one thousand seven hundred and sixty six, amount to the sum of one hundred and seventy three thousand and forty pounds, seven shillings, and six pence: And whereas upon the said fifth day of

That the city have borrowed on the tolls thereof 144,000l.

July, one thousand seven hundred and sixty six, there had been laid out and expended, in the execution of the said act, the sum of one hundred and forty thousand five hundred and ninety five pounds, nineteen shillings, and ten pence halfpenny; so that there remained, in the chamber of the said city, a balance of thirty two thousand four hundred and forty four pounds, seven shillings, and seven pence halfpenny, which balance, by some receipts then expected, was likely to be raised to the sum of thirty three thousand and eighty nine pounds, twelve shillings, and seven pence halfpenny: And whereas by estimates of the necessary expences which, upon the said fifth day of July, one thousand seven hundred and sixty six, remained to be incurred for the complete execution of the said act (exclusive of the roads on the Surry side) and of the charge of making, widening, enlarging, or improving,

That the balance remaining 5th July, 1766, was 33,089l. 12s. 7d. 2q.

street and ways necessary for a more convenient and ready passage to the said intended bridge, from several parts of the said city, there will be wanted for the said several purposes, over above the said last-mentioned balance, the farther sum of fifty eight thousand five hundred pounds: And whereas it would be of general advantage that the passage over the said intended bridge should be freed and exempted, as soon as may be, from the payment of the tolls granted by the said act, in which case, it will be necessary to provide some other sufficient funds, as well for repayment of the said one hundred and forty four thousand pounds, with the interest thereof, and raising the said fifty eight thousand five hundred pounds, as for defraying the expences of lighting, watching, cleansing, and repairing the said bridge when

That the future expences are estimated at 58,500l. Over and above the said balance.

built: And whereas it would tend to remove many inconveniencies if the ground and soil of the said river of Thames, between the west corner of Powell's Wharf, near Puddle Dock, in the said city of London, and the east corner of Robert's Wharf, near Milford Lane, in the county of Middlesex, was inclosed and embanked; the

The embankment of the north side of the Thames, at 7,500l.

expence of making of which embankment is estimated at the sum of seven

the redemption
of London
bridge toll,
at 30,000l.

the rebuilding
of Newgate,
at 50,000l.

and the re-
pairs of the
Royal Ex-
change, at
10,000l.

the said sums
amounting to
156,000l.

The act of 5
& 6 Will. &
Mary, creat-
ing the or-
phans fund.

ten thousand five hundred pounds: And whereas the passage over London Bridge is subject to a prescriptive toll, appropriated to the support of the said bridge, upon all carts, waggons, and other carriages, passing over the same, to and from the said city, loaded with any kind of goods or provisions; which toll is at this time in lease for twenty one years, at a fine of two thousand one hundred pounds, and under a yearly rent of seven hundred and thirty five pounds: And whereas it would also be of general advantage, that the passage over the said bridge, should be freed and exempted as soon as may be, from the payment of such tolls; the redemption of which tolls, and the purchase of which lease, are estimated at the sum of thirty thousand pounds: And whereas the gaol of Newgate (which is not only the county gaol of Middlesex as well as of London, but also the general prison for smugglers and debtors to the crown from all parts of the kingdom) is so ill-contrived as not to admit of a sufficient supply of fresh air and water, from which circumstances the same is in general unhealthy, and often visited with a malignant fever, called The gaol distemper, the fatal effects of which have sometimes extended beyond the prison walls; and the said gaol is so old and ruinous as to be incapable of any effectual alteration or repair; and the charge of building a more airy and commodious one in its stead, is estimated at the sum of fifty thousand pounds: And whereas the house or building called the Royal Exchange within the said city of London (the daily place of resort of merchants, traders, mariners, and others, from all parts of this kingdom, and from many foreign countries) is so much decayed, that the utter ruin thereof is apprehended, unless the same be speedily and effectually repaired; which necessary reparations are estimated at the sum of ten thousand pounds, for which the funds now subsisting are insufficient: And whereas the said several sums of fifty eight thousand five hundred pounds, seven thousand five hundred pounds, thirty thousand pounds, fifty thousand pounds, and ten thousand pounds, amounting together to the sum of one hundred and fifty six thousand pounds, cannot be raised, nor any new fund provided for repayment of the said sum of one hundred and forty four thousand pounds, with the interest thereof, without the aid and authority of parliament: And whereas by an act passed in the fifth and sixth years of the reign of king William and queen Mary, intituled, An act for relief of the orphans and other creditors of the city of London, it was, among other things, enacted, That for and towards the raising a perpetual fund to pay the yearly interest of four pounds for every one hundred pounds principal money, and the interest thereof then due to any orphan of the said city, or the executors, administrators, or assigns, of any such orphan, or any other the creditor or creditors, of the said mayor, commonalty, and citizens, or the executors, administrators, or assigns, of such creditors, all and every the city's estates and revenues (except as therein excepted) should be charged for ever with the clear annual sum of eight thousand pounds. And the said act did also appropriate to the fund and purposes aforesaid, the rents and profits of the said city's aqueducts (except as therein excepted.) And the sum of two thousand pounds was thereby directed to be annually raised upon the personal estates of the several inhabitants within

within the said city and liberties towards the said fund. And for the further increase thereof, the sum of two shillings and six pence was directed to be paid upon the binding of every apprentice within the said city; and five shillings by every person who should be admitted to be a freeman thereof: and the said act imposed upon all sorts of wine imported into the port of the said city, or the members thereof, by way of merchandize, a duty of four shillings per ton over and above the duties then payable thereon; and for every chaldron of coals, or culm, imported into the said port, or the river of Thames within the liberty of the said city upon the said river, to be sold, the sum of four pence for metage for ever; and also for all coals or culm, usually sold by the chaldron, for every chaldron thereof which should be imported into the said port, or members thereof, from and after the twenty ninth of September, one thousand seven hundred (over and above all other impositions and duties, and the said sum of four pence metage) the sum of six pence: and for such coals as were sold by the ton, for every ton thereof the like sum of six pence; the said imposition of six pence to continue from the said twenty ninth of September, for and during the term of fifty years: And whereas by an act passed in the twenty first year of the reign of his said late majesty King George the Second, intituled, An act for the further relief of the orphans and other creditors of the city of London, and for other purposes therein mentioned, the said imposition of six pence for every chaldron or ton of coals, was further continued during a term of thirty five years, from the expiration of the said term of fifty years; and out of the monies arising from the said imposition so continued, the yearly sum of three thousand pounds was directed to be paid, during the said term of thirty five years, to the wardens and commonalty of the mystery of mercers of the city of London, in the manner, and for the purposes, in the said act mentioned; and the residue of the said monies, was thereby appropriated to make part of the fund for paying the interest to the said orphans, and other creditors of the said city: and it was thereby directed, that from and after the twenty ninth day of September, one thousand seven hundred and fifty, the said city's estates and revenues should be charged, towards the said fund, with the yearly sum of two thousand pounds, and no more, over and above the said yearly sum of eight thousand pounds, wherewith they then stood charged; and that the surplusses arisen, or to arise, from the funds so appropriated for payment of the said interest, should be applied to the payment of the said capital debt; with a proviso in the said act contained, that no orphan of the said city, under the age of twenty one years, should be paid off, so long as there should be any person not an orphan under that age, proprietor of any part of the said principal debt: And whereas the surplusses which at the time of passing the said last recited act, had arisen, and the surplusses which have since arisen from the said fund, have been applied according to the directions of the said act; and thereby the said capital debt due to the orphans and other creditors of the said city of London, was on the twenty fourth day of June, in the said year one thousand seven hundred and sixty six, reduced to the sum of six hundred ten thousand and eighty four pounds, six shillings, and ten pence; and (computing the future

The act of 21
Geo. 2. conti-
nuing the 64.
duty on coals.

That the or-
phans debt is
likely to be
paid off by
Lady-day,
1803.

That, with the 6d. duty continued, and the addition of 1,500l. per Ann. the fund would, by Michaelmas 1831, pay the said debt, and said 156,000l. and 144,000l.

That the city is willing to charge their revenues, to increase the said fund, with 1,500l. per ann.

Common council to embark according to such plan as they shall on or before the 29th of Sept. 1767. direct.

Owners and proprietors may embark upon notice to be given on or before the 29th of Sept. 1768.

surplusses at a medium of the last five years) the whole may be expected to be paid off and discharged by the twenty fifth day of March, which will be in the year one thousand eight hundred and three: And whereas, if the said imposition of six pence for every chaldron or ton of coals, or culm, was to be farther continued to the twenty ninth day of September, which will be in the year one thousand eight hundred and thirty one, the said fund created by the said act of the fifth and sixth years of King William and queen Mary, with the addition thereto of one thousand five hundred pounds per annum, would (it is computed) be sufficient in that time to discharge the principal and interest, not only of the said debt due to the said orphans and other creditors of the said city, but of the said farther sums of one hundred and fifty six thousand pounds, and one hundred and forty four thousand pounds: And whereas the said mayor, and commonalty, and citizens, are willing and desirous, that the city's estates and revenues should, from and after the twenty fourth day of June, in the present year one thousand seven hundred and sixty seven, until the said twenty ninth day of September, one thousand eight hundred and thirty one, be charged with the payment of the said yearly sum of one thousand five hundred pounds, towards increase of the said fund, for the purposes aforesaid, over and above the several sums with which the said estates and revenues now stand charged: Therefore, upon the petition of the said mayor, aldermen, and commons, of the city of London, in common council assembled; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby required, to inclose and embark so much of the ground and soil of the said river of *Thames*, as lies on the north side thereof, between the west corner of *Powell's Wharf*, near *Puddle Dock*, in the said city of *London*, and the east corner of *Robert's Wharf*, near *Milford Lane*, in the said county of *Middlesex*, in such manner, and according to such plan or plans, as they shall, on or before the twenty ninth day of *September*, in this present year one thousand seven hundred and sixty seven, lay out, and direct and cause to be hung up in the town clerk's office in the guildhall of the said city, for publick view and inspection; so as the fronts of such embankments, on each side of the said intended bridge, may run in straight lines, to a point, in the middle of the north butment of the said bridge, thirty feet distant from the north end, or springing of the north butment arch thereof.

II. Provided always, and be it further enacted, That it shall and may be lawful to and for any of the owners and proprietors of the several wharfs or grounds abutting on the north side of the said river, within the limits aforesaid (who shall, on or before the twenty ninth day of *September*, in the year one thousand seven hundred and sixty eight, give notice in writing to the town clerk of the said city, for the time being, of their intention to embark so much of the said ground and soil of the

river as lies opposite and contiguous to their said respective wharfs or grounds) to inclose and embank the same accordingly, at their own expence, under the direction of the said mayor, aldermen, and commons, in common council assembled, or their suveyor, in this behalf to be appointed, within six calendar months next after such notice; any thing herein before contained to the contrary thereof in any ways notwithstanding.

III. And be it further enacted, That upon embanking the ground and soil of the said river, adjoining to the several publick stairs or landing places called *White Friars stairs*, *Temple stairs*, and *Essex stairs*, either by the said mayor, aldermen, and commons, in common council assembled, or by the respective owners or proprietors of the said adjoining wharfs or grounds, they the said mayor, aldermen, and commons in common council assembled, shall cause the said stairs and landing places to be taken down, removed, and rebuilt, by their own workmen or agents, so and in such manner as that a line drawn from the middle of the upper step or landing place of the present stairs, shall run through the middle of the new intended stairs, and fall at right angles upon the front line of the said intended embankment.

Common council to rebuild the public stairs.

IV. And be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby required with all convenient speed to pull down the said gaol of *Newgate*, and to remove, dispose of, or destroy, the materials thereof, as they shall think fit (having regard to the health and safety of his Majesty's subjects) and to build a spacious and commodious new gaol, upon or near the place where the present gaol now stands; provided always, that the money which shall arise from the sale of such of the materials as shall be thought expedient to be sold, shall be applied towards the expence of such new gaol.

To pull down Newgate, and build a new gaol.

V. And, to render the access as well to the said new gaol as to the sessions house in the *Old Bailey*, more easy and convenient, be it enacted by the authority aforesaid, That the said mayor, aldermen, and commons, in common council assembled, shall have power and authority to widen, enlarge, or improve, such of the streets, ways, and passages, adjoining or leading to the said intended new gaol and sessions house, or either of them, as they shall judge necessary for that purpose.

and widen streets leading thereto.

VI. Provided always, and be it further enacted, That it shall and may be lawful to and for the sheriffs of the said city of *London*, and the sheriff of the said county of *Middlesex* respectively, from time to time, and at all times, after the said twenty fourth day of *June*, one thousand seven hundred and sixty seven, until the said new gaol shall be built, and properly fitted for a prison, to convey to, and keep, and detain in, any other publick prison of sufficient strength, within the said city of *London* or county of *Middlesex*, all or any of the prisoners who have been or shall be committed, or who by law ought to be committed, to the said present gaol, or to the county gaol of the said city

Prisoners to be detained in other publick prisons till the new gaol is built.

and county; any writ, order, or warrant, or any law, usage, or custom, to the contrary thereof in any ways notwithstanding.

New gaol when built to be the county gaol for London and Middlesex, and the removal of the prisoners thereto not to be an escape.

VII. Provided also, and be it further enacted, That the said new gaol when built shall be the county gaol of and for the said city of *London*, and of and for the said county of *Middlesex*, in like manner as the said present gaol now is by law, usage, or prescription; and that the removal of all or any of the prisoners, who now are, or hereafter shall be, confined in the said present gaol, to the said new gaol, shall not be deemed or construed to be an escape, in the said sheriffs of the said city, or in the said sheriff of the said county: and the keeper and keepers of such prison or prisons respectively, to which any person or persons shall, by virtue or in pursuance of this act, be conveyed by the said sheriffs or sheriff, shall, and he and they is and are hereby required to receive, keep, and detain in his and their custody respectively, such person or persons, until discharged by due course of law.

Persons so removed to be deemed to be in the custody of the keeper of Newgate.

VIII. Provided also, and be it further enacted, That all and every prisoner and prisoners, so by virtue of this act removed to and detained in such prison or prisons as aforesaid, shall, during such detainer, be deemed in law to be in the custody of the keeper of *Newgate*: and all writs of *Habeas Corpus*, for bringing the body or bodies of any such prisoner or prisoners before any of the judges of his Majesty's courts of record at *Westminster*, or for removing any such prisoner or prisoners to any other prison or prisons, shall and may be directed to the said keeper of *Newgate*; and the keeper or keepers of such prison or prisons are hereby enjoined, upon delivery to him or them of such writ or writs, to pay due obedience, and make due returns thereto, in the name of the said keeper of *Newgate*, in the same manner as the said keeper of *Newgate* would be bound to do if the person or persons mentioned in such writ or writs was or were in his custody.

Keepers of other prisons to be answerable for escapes.

IX. Provided also, and be it enacted, That the person or persons to whose custody any such prisoner or prisoners shall be so conveyed, by the said sheriffs or sheriff, shall respectively be answerable for the escape of any such prisoner or prisoners; any thing herein before contained to the contrary thereof notwithstanding.

Common council empowered to purchase houses, &c. for the purposes aforesaid;

X. And be it further enacted, That for the purpose of building the said intended gaol in manner aforesaid, and making, widening, enlarging, or improving, such streets, ways, and passages, it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby empowered to treat and agree with the owners and occupiers of, and other persons interested in, such houses, lands, tenements, or hereditaments, as they shall judge fit to be purchased, removed, or pulled down, for all or any of the purposes aforesaid, for the purchase thereof; and after payment of the sum or sums of money which shall be agreed upon for such purchase, they the said mayor, aldermen,

and commons, in common council assembled, are hereby authorized to appoint their agents or workmen, to pull such houses down, and to lay out such lands, and dispose of the monies to arise from the sale of any old materials, in such manner as they shall think fit, for or towards the respective purposes aforesaid.

XI. And be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby impowered to treat and agree with the lessee of, and other person or persons interested in, the lease of the said tolls for the passage over *London Bridge*, for the purchase of the same, and of all profits, advantages, and emoluments, arising or to arise from the said lease. and the lease of London Bridge tolls.

XII. And be it further enacted, That it shall and may be lawful to and for all bodies politic, corporate, or collegiate, corporations aggregate or sole, trustees, and feoffees in trust, guardians and committees for lunaticks and ideots, executors, administrators, and guardians whatsoever, not only for or on behalf of themselves, their heirs, and successors, but also for and on behalf of their cestuique trusts, whether infants, or issue unborn, lunaticks, ideots, femmes covert, or other persons whatsoever, and to and for all femmes covert who are or shall be seised in their own right, and to and for all and every person and persons whomsoever, who are or shall be seised or possessed of, or interested in, any lands, tenements, or hereditaments, which by the said mayor, aldermen, and commons, in common council assembled, shall be thought necessary to be purchased for any of the purposes of this act, or in the said lease of the tolls, to sell and convey, assign, or surrender, all or any such lands, tenements, hereditaments, estates, tolls, lease, and interests, or any part thereof, to the said mayor and commonalty, and citizens; and that all contracts, agreements, bargains, sales, and conveyances, which shall be made by such persons as aforesaid, shall be good and valid in law, to all intents and purposes, not only to convey the estate and interest of the person and persons conveying, but also to convey all right, estate, interest, use, property, claim, and demand whatsoever, of their said several and respective cestuique trusts, and all claiming or to claim, by, from, or under them; any law, statute, usage, or any other matter or thing whatsoever, to the contrary thereof, in any ways notwithstanding; and that all such persons so conveying as aforesaid, are and shall be indemnified for what they shall do by virtue of or in pursuance of this act, notwithstanding any omission or mistake of matter or form whatsoever: and if it shall happen that any person or persons, bodies politick, corporate, or collegiate, or other person or persons seised or possessed of, or interested in, any such lands, tenements, or hereditaments, as aforesaid, or in such lease of the tolls, shall refuse to treat or agree for the sale and conveyance of their respective estates and interests therein, with the said mayor, aldermen, and commons, in common council Where any shall refuse to be prevented

from treating the mayor's court to issue a precept for a jury,

who are to be drawn as the act 3 Geo. 2. directs.

Jury may be challenged.

Court may summon and examine witnesses on oath, and direct the jury to view.

Jury to assess the value on oath.

The court to give final judgement thereon.

council assembled, or with any person or persons authorized by them, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim, to the satisfaction of the said mayor, aldermen, and commons, in common council assembled, or of the person or persons so authorized by them; then, and in every such case, it shall and may be lawful to and for the court of mayor and aldermen of the said city, to be holden in the outer chamber of the *Guildhall* of the said city, according to the custom of the said city, and the said court are hereby impowered and authorized to issue a warrant or warrants, precept or precepts, directed to the sheriffs of the said city of *London*, who are hereby authorized, directed, and required accordingly to impanel and return a competent number of substantial and disinterested persons qualified to serve on juries, not less than forty eight, nor more than seventy two; and out of such persons so to be impanelled, summoned, and returned, a jury of twelve men shall be drawn, by some person to be by the said court appointed, in such manner as juries for the trial of issues joined in his Majesty's courts at *Westminster*, by an act made in the third year of the reign of the said King *George* the second, intituled, *An act for the better regulation of juries*, are directed to be drawn; which persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said court of mayor and aldermen, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appointed, and to attend the said court from day to day, till discharged by the said court; and all persons concerned shall and may have their lawful challenges against any of the said jurymen, but shall not be at liberty to challenge the array: and the said court of mayor and aldermen are hereby authorized and impowered by precept or precepts, from time to time, as occasion shall require, to call before them all and every person and persons whomsoever, who shall be thought proper or necessary to be examined as witness or witnesses before them, on their oath or oaths, touching and concerning the premises; and the said court, if they think fit, shall and may likewise authorize the said jury to view the place or places in question, in such manner as they shall direct; and the said court shall have power to adjourn such meeting from day to day as occasion shall require, and to command such jury, witnesses, and parties to attend, until all such affairs for which they were summoned shall be concluded; and the said jury, upon their oaths (which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said court are hereby impowered and required to administer), shall enquire of and assess the value of such lands, tenements, and hereditaments, and of such lease of the tolls as aforesaid, and of the proportionable value of the respective estates and interests claimed therein, or in any part thereof: and the said court of mayor and aldermen shall and may give judgement, that the sum or sums of money so to be assessed, be the value of such

such lands, tenements, or hereditaments, and of such respective estates and interests therein; which said verdict or verdicts, and the said judgement thereupon (notice in writing being given to the person or persons interested, or claiming so to be, at least fourteen days before the time of the meeting of the said court and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her, or their usual place or places of abode, or with some tenant or occupier of some of the said lands, tenements, or hereditaments, intended to be valued and assessed, or at the toll-house for collecting such tolls, in case such party cannot otherwise be found out to be served with such notice) shall be binding and conclusive, as to value, as well against the King's majesty, his heirs, and successors, as against every other person or persons, bodies politick, and corporate, and against all other persons whomsoever, claiming any estate, right, title, trust, use, or interest in, to, or out of, the said lands, tenements, or hereditaments and premisses, or in, to, or out of, such lease of the tolls, either in possession, reversion, remainder, or expectancy.

Previous notice to be given to the parties interested.

XIII. And be it further enacted and declared, That upon payment of the sum or sums of money so to be awarded or adjudged to the person or persons to whom the same shall be so awarded, for the purchase of the said lands, tenements, or hereditaments, or for the purchase of any estate or interest therein, or for the purchase of the said lease of the tolls, such person or persons shall make and execute, or procure to be made and executed, good, valid, and legal, conveyances, assignments, and assurances, in the law, to the said mayor and commonalty, and citizens, of the said lands, tenements, and hereditaments, or of such estate or interest, for which such sum or sums of money shall be so awarded; and shall also assign or surrender to the said mayor and commonalty, and citizens, such lease of the tolls, and shall procure all necessary parties to execute such conveyances, assignments, and assurances, and shall do all acts, matters, and things, necessary and requisite to make a good, clear, and perfect title to the said mayor and commonalty, and citizens: and in case the person or persons to whom such sum or sums shall be awarded as aforesaid, shall not be able to evince their title to the premisses, to the satisfaction of the said mayor, aldermen, and commons, in common council assembled, and to make, or procure to be made, good, valid, and legal, conveyances thereof, to the said mayor and commonalty, and citizens, or shall refuse so to do, being thereto required, and the sum or sums so assessed and awarded being produced and tendered to be paid to him, her, or them, on their making such title, and executing, or procuring to be executed, such conveyances, assignments, or assurances, as aforesaid; or in case such person or persons to whom such sum or sums of money shall be so awarded, cannot be found in the said city; then, and in every such case, it shall and may be lawful to and for the said court of mayor and aldermen to order the said sum or sums so assessed and awarded

Upon payment of the value assessed, premisses to be conveyed to the city.

Where a good title cannot be made, or legal conveyance executed, &c.

or the parties are not to be found, &c. Court to order the purchase-money

to be paid in-
to the bank ;

subject to the
order of the
court of Chan-
cery, upon mo-
tion or peti-
tion.

Verdicts and
judgements,
&c. to be en-
tered of re-
cord, in the
mayor's
court.

Copies good
evidence.

On such pay-
ment, pre-
misses to vest
in the city,

as the value of, and purchase-money for, the said lands, tene-
ments, and hereditaments, or for the purchase of such lease of
the tolls as aforesaid, to be paid into the bank of *England* in the
name, and with the privity, of the accountant general of the
high court of *Chancery*, to be placed to his account, to the cred-
it of the parties interested in the said lands, tenements, or he-
reditaments (describing them) or in the said lease of the tolls,
subject to the order, controul, and disposition, of the said court
of *Chancery*; which said court of *Chancery*, on the application of
any person or persons making claim to such sum, or any part
thereof, by motion or petition, shall be, and is hereby, impow-
ered, in a summary way of proceeding, or otherwise, as to the
same court shall seem meet, to order distribution thereof, ac-
cording to the respective estate or estates, title or interest, of the
person or persons making claim thereunto, of, in, or to, such
lands, tenements, and hereditaments, or such lease of the tolls,
to be made appear to, and to be declared by, the said court, and
according to the value thereof assessed as aforesaid; and to make
such other order in the premises as to the said court shall seem
just and reasonable; and the cashier or cashiers of the bank of
England, who shall receive such sum and sums, is and are here-
by required to give a receipt or receipts for such sum or sums,
mentioning and specifying for what premises, and for whose
use, the same is or are received, to such person as shall pay any
such sum or sums into the bank as aforesaid.

XIV. And be it further enacted, That all such verdicts,
judgements, sentences, decrees, orders, and other proceedings
of the said court of mayor and aldermen, and juries, as relate to
or concern any such lands, tenements, or hereditaments, or such
lease of the tolls, so to be purchased; and all receipts which the
said cashier or cashiers of the bank shall give for any sum or sums
of money paid into the bank, in consequence of any such verdict
and judgement; shall be entered among the records of the said
court of mayor and aldermen: and the said verdicts, judgements,
sentences, decrees, and orders, and other proceedings, shall be
deemed and taken to be records to all intents and purposes what-
soever; and the same, or true copies thereof, shall be deemed
and taken to be good and effectual evidence and proof in any
court or courts of law or equity whatsoever; and all persons
shall and may have recourse to the same *gratis*, and take copies
thereof, paying for every copy, not exceeding two hundred
words, six pence, and so proportionably for any greater or lesser
number of words; and immediately after such verdicts, judge-
ments, sentences, decrees, orders, and other proceedings of the
said court of mayor and aldermen, and juries, and payment into
the bank as aforesaid, all the estate, right, title, interest, use,
trust, property, claim, and demand, in law and equity, of the
person or persons to whose credit such money shall be paid, in,
to, and out of, the said lands, tenements, hereditaments, and
premises, or in, to, or out of, such lease of the tolls, shall vest
in the said mayor and commonalty, and citizens; and they shall
be

be deemed in law to be in the actual possession thereof, to all intents and purposes whatsoever, as fully and effectually, as if every person having any estate in the premises, had actually conveyed the same by lease and release, bargain and sale enrolled, feoffment with livery and seisin, fine and recovery, or any other conveyance whatsoever; and such payment shall not only bar all right, title, interest, claim, and demand, of the person or persons to whose credit such payment shall have been made, but also shall extend to, and be deemed and construed, to bar the dower and dowers of the wife or wives of such person or persons, and all estates tail, in reversion or remainder, and the issue or issues of such person or persons, and every person claiming under them, as effectually as a fine or recovery would do, if levied or suffered by the proper parties in due form of law.

XV. Provided always, and be it further enacted, That it shall and may be lawful for the said court of mayor and aldermen, after such payment into the bank, and entry of the receipt as aforesaid, and before any application in respect thereof to the said court of *Chancery*, at the petition of any person or persons in possession of such lands, tenements, or hereditaments, or of such lease of the tolls, to place out or invest, or cause to be placed out or invested, such sum or sums of money, or any part thereof, in some of the public funds, or on government security, at interest, in the name of any person or persons authorized and appointed by the said court of mayor and aldermen, for that purpose, in trust, to transfer and assign the same to the person or persons to whom the premises belong, on their executing proper conveyances thereof; and in the mean time, in trust, to pay the interest and dividends, arising therefrom, to the person or persons who was or were in possession of the said premises at the time of the said payment into the bank.

XVI. Provided also, and be it further enacted, That all and every person or persons who would be intitled to recover the mesne profits of the premises, or of the said tolls for the passage over *London Bridge*, against the person or persons in possession, in case the same had not been so conveyed to, or vested in, the said mayor and commonalty, and citizens, as aforesaid, shall be intitled to recover the sum or sums to arise from such interest and dividends as aforesaid, by action of debt, or otherwise, against the person or persons who shall receive the same; and the said court of mayor and aldermen are hereby impowered to make such orders as aforesaid on the bank for the payment of such sum or sums of money, or any part thereof, as shall be necessary in order to the same being so invested in public securities; and the said mayor and commonalty, and citizens, shall be quieted in the possession of the lands, tenements, and hereditaments, and of the said lease of the tolls, for which such money shall be so paid as aforesaid; and shall not be answerable or accountable in any court of law or equity for the money so deposited and placed out as aforesaid, any otherwise than according to the tenor, purport, and true meaning, of this act.

XVII. Pro-

If the money is not tendered, the said verdicts and judgements not to be binding.

XVII. Provided always, and be it further enacted, That in case the said sum or sums so assessed by the said jury, and ordered and adjudged by the said court of mayor and aldermen to be paid to the owners, occupiers, and others, for their respective interests in the premises aforesaid, and in the said lease of the tolls, shall not be paid, tendered, or deposited, as herein directed, within six calendar months next after the same shall have been so assessed, ordered, and adjudged; then, and in such case, the verdict of the said jury, and the order and adjudication of the said court, shall not be binding upon the said parties; any thing herein contained to the contrary notwithstanding.

Purchase-moneys of Premises held in trust, to be invested in other purchases, to the same uses.

XVIII. And be it further enacted, That the principal money arising from the sale of any houses, edifices, lands, tenements, or hereditaments, or of such lease of the tolls which shall be purchased, for the purposes contained in this act, of any body corporate or collegiate, corporation aggregate or sole, feoffees in trust, guardians, committees, or other trustees, or from any feme covert, shall be paid to such persons as they shall respectively nominate to receive the same, in trust, with all convenient speed then afterwards to be re-invested in the purchase of other messuages, lands, tenements, and hereditaments, to be conveyed and settled to and upon, and subject to the like uses, trusts, limitations, remainders, and contingencies, as the houses, edifices, lands, tenements, and hereditaments, or such lease of the tolls, which shall be purchased of them respectively by the said mayor and commonalty, and citizens as aforesaid, were respectively settled, limited, or assured, at the time of such purchase, or so many thereof as, at the time of making such conveyances and settlements, shall be existing and capable of taking effect.

Conveyances by feme covert inrolled, to be effectual;

XIX. And be it further enacted, That the conveyance of any such estate or interest of any feme covert to the said mayor and commonalty, and citizens, or any person or persons in trust for them, by bargain and sale, acknowledged by such feme covert, and to be inrolled in the court of *Hustings* of the said city, according to the custom of the said city, within six calendar months after the making thereof, shall as effectually and absolutely convey the estate and interest of such feme covert, in the premises, as any fine or fines, recovery or recoveries, would or could do, if levied or suffered thereof in due form of law; and farther, that all bargains and sales whatsoever be made of any such lands, tenements and hereditaments, as shall be purchased by the said mayor and commonalty, and citizens, by virtue of, and for the purposes of, this act, shall have the force, effect, and operation, in law, to all intents and purposes, which any fine or fines, recovery or recoveries whatsoever, would have, if levied or suffered by the bargainer or bargainors, or any person or persons seized of any estate in the premises, in trust, for or to the use of such bargainer or bargainors, in any legal manner or form whatsoever.

and so all other bargains and sales for the purposes of this act.

Persons having any right, &c. in lands

XX. And be it further enacted, That all and every person and persons whomsoever, having any right, title, interest, use, property,

property, claim, or demand whatsoever, whether in possession, reversion, remainder, or expectancy, in, to, or out of, any lands, tenements, or hereditaments, which by virtue and for the purposes of this act shall be purchased by and conveyed, or mentioned or intended to be conveyed, to the said mayor and commonalty, and citizens, by any such bargain and sale as aforesaid, shall, within the space of five years, to be computed from the date of the inrollment of such bargain and sale, enter a memorial of such their right, title, interest, use, property, claim, and demand, in a book to be for that purpose prepared and kept by the town clerk of the said city of *London* for the time being; which book the said town clerk is hereby required to prepare and keep accordingly; and for which entry he shall be intitled to such fee, and no other, as the register of the county of *Middlesex* is by law intitled to for the registry of a memorial containing the same number of words; and all and every person or persons whomsoever, not entering such right, claim, and demand, within such time, and in such manner as aforesaid, or having so entered the same, and not prosecuting such their right, claim, or demand, with effect, within the space of five years, to be computed from the time of such entry, shall be for ever barred of all right, title, use, equity, property, claim, or demand whatsoever, whether in possession, reversion, remainder, or expectancy, in, to, upon, or out of, the said premises, and every part thereof: and the said mayor and commonalty, and citizens, and those claiming by, from, or under them, shall be quieted in the possession of all such lands, tenements, hereditaments, and premises; any law, statute, usage, matter, or thing whatsoever, to the contrary notwithstanding.

so purchased, to enter their claims within a limited time, or be barred;

XXI. Provided nevertheless, and be it further enacted, That any person or persons barred of any right, title, estate, interest, claim, or demand whatsoever, in, to, or out of, the said lands, tenements, and hereditaments, by virtue of this act, shall be at liberty to bring any action or actions of debt for money had and received to his or their use, against any person or persons, or the legal representative of any person or persons, who received the purchase-money arising from such sale of the said lands, tenements, hereditaments, and premises aforesaid; and that in every such case, the respective plaintiffs, on proof of such title as would have enabled them to recover such lands, tenements, or hereditaments, or any part thereof, or any estate or interest in the same, shall recover the said purchase-money, or so much thereof as shall be equivalent to their interest in the said premises, together with such interest as shall be equivalent to the mesne profits of the premises which they would have been intitled to recover, in case this act had not been made.

but at liberty to recover the purchase-money from persons receiving the same.

XXII. And be it further enacted, That all and every tenant at will, or lessee for a year, or other person or persons in possession of any such lands, tenements, hereditaments, and premises, or any part thereof, which shall be purchased by the said mayor and commonalty, and citizens as aforesaid, and who shall

After purchase, tenants to deliver possession within six months after notice.

On refusal, court to issue a precept to the sheriffs to deliver possession.

shall have no greater interest in the premises than as tenant at will, or as lessee by parole for a year, or from year to year, shall, at the expiration of six calendar months after notice in writing left upon the premises, or so soon after as he or they shall be required, peaceably and quietly deliver up the possession of the said premises to the said mayor and commonalty, and citizens, or any person or persons authorized by the said mayor, aldermen, and commons, in common council assembled, to take possession thereof; and that in case any such person or persons shall refuse to give such possession, then it shall and may be lawful to and for the said court of mayor and aldermen, to issue their precept or precepts to the sheriffs of the said city, to deliver possession of the premises to such person or persons as shall in such precept or precepts be nominated to receive the same; and the said sheriffs are hereby required to deliver possession accordingly of the said premises, and to levy such costs as shall accrue from the issuing and execution of such precept or precepts, on the person or persons so refusing to give possession as aforesaid, by distress and sale of his, her, or their goods.

Mortgagees, on tender of principal and interest, to convey.

XXIII. And be it further enacted, That all and every person and persons who shall have any mortgage or mortgages on such lands, tenements, and hereditaments, or on such lease of the tolls, not being in possession thereof, by virtue of such mortgage or mortgages, shall, on the tender of the principal money, and interest due thereon, together with six months interest of the said principal money, by the said mayor, aldermen, and commons, in common council assembled, or by such person or persons as they shall appoint, immediately assign such mortgage or mortgages to the said mayor and commonalty, and citizens, or to such person or persons as they shall appoint in trust for them; or in case such mortgagee or mortgagees shall have notice in writing from the said mayor, aldermen, and commons, in common council assembled, that they will pay off and discharge the principal and interest which shall be due on the said mortgage or mortgages, at the end or expiration of six calendar months, to be computed from such notice given, that then, at the end of the said six months, on payment of the principal and interest so due, such mortgagee or mortgagees shall assign his, her, or their interest in the premises to the said mayor and commonalty, and citizens, or such person or persons as they shall appoint in trust for them: and in case such mortgagee or mortgagees shall refuse to assign as aforesaid on such tender or payment, that then all interest on every such mortgage shall cease and determine.

On refusal, interest to cease, on payment of principal and interest into the bank.

Premises to vest in the city.

XXIV. And be it further enacted, That upon payment of the principal money and interest due on any mortgage as aforesaid into the bank, at the end of six calendar months from such notice as aforesaid, for the use of the mortgagee or mortgagees, the cashier or cashiers of the bank shall give a receipt or receipts for the said money, in like manner as is herein before directed in cases of other payments into the bank; and thereupon all the

estate,

estate, right, title, interest, use, trust, property, claim, and demand, of the said mortgagee or mortgagees, and of every person or persons in trust for him or them, shall vest in the said mayor and commonalty, and citizens; and they shall be deemed to be in the actual possession of the premises comprized in such mortgage or mortgages, to all intents and purposes whatsoever.

XXV. And be it further enacted, That all sums of money to be paid pursuant to any such agreement or verdict as aforesaid, or on any such mortgage, shall be, and are hereby charged and chargeable upon all monies which shall be raised or received for the purposes of this act, and shall be tendered to the party or parties intitled to the same; and in case of refusal to accept the same, shall be paid into the bank of *England*, in the names of any person or persons appointed by the said court of mayor and aldermen for that purpose, in trust for such person and persons as shall be intitled to receive the same, before the said mayor, aldermen, and commons, in common council assembled, shall proceed to pull down any house or houses, or other erections or buildings, or to use the ground for any of the purposes of this act.

Monies to be paid or tendered, before any use made of the premises.

XXVI. And be it further enacted, That the said court of mayor and aldermen shall have power, from time to time, to impose any reasonable fine, not exceeding the sum of ten pounds, on the said sheriffs, or their deputy or deputies, bailiffs or agents respectively, making default in the premises; and on any of the persons who shall be summoned and returned on any such jury or juries, who shall not appear, or who shall refuse to be sworn on the said jury or juries; or being so sworn, shall not give his or their verdict; and also on any person or persons who shall be summoned to give evidence touching any of the matters aforesaid, and shall not attend, or shall refuse to be sworn; or who being sworn shall refuse to give his, her, or their evidence; and on any other person or persons who shall in any other manner wilfully neglect his, her, or their duty in the premises, contrary to the true intent and meaning of this act; and, from time to time, to levy such fine or fines, by order of the said court of mayor and aldermen, by distress and sale of the offenders goods, together with the reasonable charges of every such distress and sale, rendering the overplus, if any, to the owner; and all such fines shall be applied to the purposes of this act.

Power to fine sheriffs, juries, and witnesses, for not attending.

XXVII. *And whereas, by reason of the purchases which the said mayor and commonalty, and citizens, are hereby empowered to make, they may happen to be possessed of some piece or pieces of ground over and above what may be necessary for any of the purposes of this act;* be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, to lett, sell, or dispose of, any such piece or pieces of ground, either together or in parcels, as they shall think most advantageous or convenient, to such person or persons as shall be willing to contract, agree for, or purchase the same.

Common council empowered to lett, sell, &c. any ground not necessary for the purposes of this act;

XXVIII. *And*

and to grant licences for building on part of the streets.

XXVIII. *And whereas it may, for the greater regularity or beauty of the streets, ways, or passages, to be improved by virtue of this act, or of the said act of the twenty ninth year of King George the Second, be proper to build houses, or parts of houses, on some parts of the ground and soil of the said streets, ways, or passages, or on some part of the former channel of Bridewell Dock, be it further enacted,* That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, for and in consideration of such sum or sums of money, or yearly rent or rents to be paid into the receipt of the chamber of the said city of *London*, as they shall think reasonable, to grant unto the owner or owners of the freehold and inheritance of the house or houses fronting any such street, way, or passage, licence or licences, under the common seal of the said city of *London*, to build upon and inclose so much of the ground and soil in the front of their said respective house or houses, as they shall judge fit and proper to be built upon for the reasons aforesaid; and the ground and soil so build upon in pursuance of such licence or licences, shall for ever, or for and during the time or term to be expressed in such licence or licences respectively, be annexed to and enjoyed with the adjoining freehold; any law, usage, or custom, to the contrary notwithstanding.

Monies arising by such sales or licences, to be appropriated to the purposes of this act.

XXIX. Provided always, and be it further enacted, That the monies arising by the sale or letting of the grounds, so to be lett or sold, or by sale of the materials of houses and buildings to be purchased and pulled down by virtue of this present act, not herein before appropriated; and all monies to be paid for such licences as aforesaid; shall be employed, and the same are hereby appropriated to the purposes of this act, and shall not be employed to or for any other use, intent, or purpose whatsoever.

Common council empowered to appoint committees.

XXX. And be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, from time to time, to appoint one or more committee or committees, to manage and transact all or any of the matters or purposes which they the said mayor, aldermen, and commons, in common council assembled, are hereby authorized or required to do, execute, or perform; which committee or committees, so to be appointed, shall have such powers and authorities as shall, from time to time, be given or delegated to them respectively by the said mayor, aldermen, and commons, in common council assembled, or such general powers as by this act are given or granted to such committees respectively.

The city and mercer's company by a joint committee to repair the royal exchange.

XXXI. And be it further enacted, That the said mayor, and commonalty, and citizens, and the wardens and commonalty of the mystery of *Mercers* of the city of *London* (in whom the said building called *The Royal Exchange*, is vested, by the last will and testament of *Sir Thomas Gresham*, formerly of the said city, knight, deceased, to, for, and upon, the uses, trusts, intents, and purposes, therein directed or expressed concerning the same) shall, and they are hereby authorized and required, to cause the said

said *Royal Exchange* to be put into immediate and sufficient repair; such repair to be done and executed by or under the directions of a joint committee of the said mayor, aldermen, and commons, in common council assembled, and of the said wardens and commonalty, commonly called *The Gresham Committee*.

XXXII. Provided always, and be it further enacted, That no person, being a member of any of the said committees, shall be directly or indirectly interested or concerned in any contract, which shall be made or entered into by or on behalf of such committees respectively, for or concerning any of the said works, to be carried on or performed in pursuance of this act; or for or concerning any materials to be used or employed therein; upon pain that every such contract shall be null and void; and that the person who, being a member of any of the said committees, shall be so interested or concerned, shall, for every such offence, forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, to be commenced within six months next after the offence committed; in which action or suit respectively, no protection, essoin, or wager of law, or more than one imparlance, shall be allowed; and every person against whom the said penalty shall be recovered, shall for ever thereafter be disabled from being elected a member of the court of common council of the said city of *London*.

No member of any of the committees shall be concerned in any contract.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said respective committees to contract and agree with any person or persons, whether free of the said city or not, for executing all or any of the works or purposes aforesaid, in such manner as they shall think fit: and no such person or persons, who shall be so employed or contracted with, nor any person or persons to be set to work by or under them, or any of them, shall, for any act done or to be done in or about any of the works aforesaid, be subject or liable to any action, indictment, or information, upon the statute made in the fifth year of Queen *Elizabeth*, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*; or be liable to be sued for any breach of the custom of *London*, or for any penalties inflicted by any bye-law of the said city.

Committees empowered to employ persons not free, &c.

XXXIV. Provided always, and be it further enacted, That previous to the making of every such contract, the said committees respectively shall cause notice to be given in some of the daily news-papers, of their intention to make such contract: and that all persons willing to engage therein, may make proposals to them at a certain time and place in every such notice to be specified; and all contracts made, or to be made, in consequence of such notice, shall specify the several works to be done, and the price or prices to be paid for the same, and the time or times when the said works are to be completed, together with the penalties to be incurred in case of the non-performance thereof; and the same shall be entered in a book or

Contracts to be previously advertised.

books, to be kept for that purpose, by the town clerk of the said city of *London* for the time being.

Common council im-
powered to
raise 156,000l.
upon the or-
phans fund.

XXXV. *And, for enabling the said mayor, aldermen, and commons, in common council assembled, and the said wardens and commonalty of the mystery of Mercers respectively, to effect the several purposes aforesaid,* be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby authorized and impowered, at any time or times, from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty seven, to borrow and raise any sum or sums of money, not exceeding in the whole the sum of one hundred and fifty six thousand pounds, upon the credit of the said fund so by the said act of the fifth and sixth years of King *William* and Queen *Mary* established, and by the said act of the twenty first year of King *George* the Second in part further continued, and by this present act in part further continued and augmented; the said monies to be paid into the receipt of the chamber of the said city of *London*, by such installments, in such proportions, and at such times, as the said mayor, aldermen, and commons, in common council assembled, shall think fit and agree: and the persons who shall contract to advance or contribute any part of the said monies, shall, in respect of the sums which they shall so respectively contract to advance, be intitled to annuities at and after the rate of three pounds ten shillings *per centum per annum*, to commence and be computed from the payment of the first of the said installments, and to be thenceforth paid and payable every six months, until redemption thereof by payment of each respective principal sum: and that no part of the monies so to be lent or advanced, nor any of the said annuities so to take place in respect thereof, shall be rated or assessed to any tax or assessment whatsoever.

Contributors
to be intitled
to redeemable
annuities at
3l. 10s. *per*
cent.

Common
council to
give bonds for
such annui-
ties, assignable
by indor-
ment.

XXXVI. *And be it further enacted,* That the said mayor, aldermen, and commons, in common council assembled, shall cause a bond or note, or other security, in writing, under the common seal of the said city, to be delivered to every person advancing the said monies, for the payment of such annuities in respect thereof, until redeemed as is herein after-mentioned; which bonds, notes, or other securities, shall be assignable by proper words to be written or indorsed thereon.

The orphans
fund charged
with the said
144,000l.

XXXVII. *And, to the intent that the said intended bridge at Black Fryars may, in due time, be freed and exempted from the payment of any toll for the passage over the same;* be it further enacted, That the said fund, by the said act of the fifth and sixth years of King *William* and Queen *Mary* established, and by the said act of the twenty first year of King *George* the Second in part further continued, and by this present act in part further continued and augmented, shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty seven, be charged and chargeable with the payment of the principal and interest of the said sum of one hundred and forty four thousand

and pounds, so borrowed and raised for the purposes of the said bridge as aforesaid, over and above the debt now remaining due to the said orphans and other creditors of the said city, and the said sum of one hundred and fifty six thousand pounds to be raised and borrowed upon the credit thereof, as aforesaid.

XXXVIII. And be it further enacted, That, for and towards rendering the said fund sufficient and effectual to pay off and discharge not only the principal and interest of the debt so remaining due to the said orphans and other creditors of the said city, but likewise of the said sum of one hundred and forty four thousand pounds, so charged thereon by this present act, and also to pay and redeem the annuities which will be payable in respect of the said sum of one hundred and fifty six thousand pounds so to be raised and borrowed upon the credit thereof; the said imposition of six pence for every chaldron or ton of coals or culm, so by the said act of the fifth and sixth years of King *William* and Queen *Mary*, granted during a term of fifty years, and by the said act of the twenty first year of King *George* the Second further continued for a term of thirty five years, shall be, and the same is hereby, continued for a further term of forty six years from the expiration of the said term of thirty five years: and that all and every the powers, authorities, directions, and provisions, contained in the said two acts, or either of them, for the collecting, levying, and recovering, of the said imposition, and all the penalties thereby imposed, and regulations therein respectively made for preventing fraud and covin, shall remain and be in force, and, by virtue of this act, shall and may be exercised and put in use, for collecting, levying, and recovering, the said imposition, for and during all the time by this act limited and appointed for the payment thereof, as if the same were herein expressly mentioned and repeated, and at large re-enacted: and all monies to be received upon account of the said imposition hereby continued shall, from time to time, be paid into the receipt of the chamber of the said city of *London*, for and towards the increase of the said fund.

6 d. duty upon
coals continued for 46
years.

XXXIX. And be it further enacted, That for and towards the further increase of the said fund, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of *London*, in possession or reversion, shall (from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty seven, unto the twenty fourth day of *June*, which will be in the year one thousand eight hundred and thirty one) stand and be charged with the full yearly sum of one thousand five hundred pounds, and no more, over and above the said several yearly sums of eight thousand pounds, and two thousand pounds, with which they now respectively stand charged: which yearly sum of one thousand five hundred pounds is hereby appropriated, and shall be applied, to the same uses to which the said yearly sums of eight thousand pounds, and two thousand pounds, are, by the said former acts, or by this present act, made liable.

City revenues
charged with
1500l. per annum
to the said
fund.

Said fund appropriated to pay the interest of the orphans debt, and of said 144,000 l. and 156,000 l.

Surplusses of said fund to be applied, for the first four years, towards discharge of the principal of the orphans debt;

then of said 144,000 l.

then of the remainder of the orphans debt, and afterwards to redeem the said annuities.

XL. And be it further enacted, That the said fund created by the said act of the fifth and sixth years of King *William* and Queen *Mary*, and by the said act of the twenty first year of King *George* the Second, and by this present act in part further continued and augmented, shall be, and the same is hereby, appropriated, in the first place, to pay the interest on the said principal debt remaining due to the said orphans, and other creditors, of the said city; and after payment thereof, then to pay the interest on the said principal sum of one hundred and forty four thousand pounds so by this act charged upon the said fund, and also the annuities which shall be payable in respect of the said sum of one hundred and fifty six thousand pounds, so to be borrowed and raised upon the credit thereof.

XLI. *And, for discharging the principal of the said sum of one hundred and forty four thousand pounds, and redeeming the annuities which shall be so payable in respect of the said sum of one hundred and fifty six thousand pounds, as well as the said principal debt now due to the said orphans, and other creditors, of the said city of London,* be it further enacted, That the future surplusses of the said fund, so created, continued, and augmented, as aforesaid (after reserving so much money as shall be sufficient to satisfy the interest which shall, at any time, be due to the said orphans, and other creditors, of the said city, as also to satisfy the interest which shall, at any time, be due on the said sum of one hundred and forty four thousand pounds, and the said annuities in respect of the said sum of one hundred and fifty six thousand pounds) shall, from time to time, by order of the court of mayor and aldermen of the said city of *London* (which order the said court are hereby authorized and directed to make) be, by the chamberlain of the said city for the time being, applied towards the payment and discharge of the principal, as well of the said sums of one hundred and forty four thousand pounds, and one hundred and fifty six thousand pounds, as of the said debt due to the said orphans, and other creditors, of the same city, in manner following; that is to say, for and during the space of four years, to be computed from the said twenty fourth day of *June*, one thousand seven hundred and sixty seven, towards the payment and discharge of the said principal debt due to the said orphans, and other creditors, of the said city as aforesaid, or of so much of the said principal debt as the said surplusses shall, during the said four years, amount unto; and from and after the expiration of the said four years, then towards the payment and discharge of the said principal sum of one hundred and forty four thousand pounds; and from and after the payment and discharge thereof, then towards the payment and discharge of so much of the said principal debt as shall then remain due to the said orphans, and other creditors of the said city; and from and after the payment and discharge of the whole of such debt, then towards redemption of all and every the annuities so to be granted in respect of the said sum of one hundred and fifty six thousand pounds: the payment of which said several sums, shall

and may be made in such order as the said court of mayor and aldermen shall think fit, but within the respective times so as aforesaid limited for the making thereof respectively.

XLII. Provided always, and be it further enacted, That the said court of mayor and aldermen shall give, or cause to be given, six calendar months notice of their intention to pay off such respective principal sums, or to redeem such annuities, to the person or persons to whom the same shall respectively belong; the end of which six months, upon payment or tender of the respective sums so due, or for which such annuities shall have been granted, to or for the person or persons to whom such notice shall be given, at the office of the chamberlain of the said city of London, for the time being, in the Guildhall of the same city; and from thenceforth the interest or annuity payable to such person or persons, to whom such notice and payment or tender shall have been so given or made as aforesaid, shall cease and determine: nevertheless, the monies so tendered shall be paid to such person or persons, upon his, her, or their demand, and giving discharge for the same; and the said debts or sums so charged on the said fund, and paid off as aforesaid, shall be annihilated.

Upon six months notice of such redemption and tender of the money, the interest or annuities to cease; . . . but the principal to be still payable.

XLIII. Provided always, and be it further enacted, That for and during the said space of four years, to be computed from the said twenty fourth day of June, one thousand seven hundred and sixty seven, the surplusses arising and to arise of the said fund, shall be applied to the respective purposes aforesaid yearly, at the end of each year; but that from and after the expiration of the said four years, the said surplusses shall be so applied at the end of every half year.

The surplusses to be applied for the first 4 years yearly, and afterwards half yearly.

XLIV. Provided always, and be it further enacted, That if the said fund shall at any time or times hereafter prove insufficient to pay off and discharge the interest of the said respective principal debts, and the annuities so charged thereon; then, and in every such case, and so often as the same shall happen, which shall be wanting to complete the payment and discharge of such interest and annuities, shall be advanced and paid out of the chamber of the said city, and be made good, and supplied out of the next surplusses arising or to arise of the said fund.

Deficiencies in said interest or annuities, to be paid out of the chamber, and supplied out of the next surplusses.

XLV. And be it further enacted, That the said sum of one hundred and fifty six thousand pounds, so to be raised and borrowed as aforesaid, shall be issued and applied, and the same is hereby appropriated to and for the respective uses and purposes herein after mentioned; that is to say, a sum not exceeding fifty eight thousand five hundred pounds, part of the said sum of one hundred and fifty six thousand pounds, shall be issued and applied for and towards the completing of the said intended bridge from Black Friars to the opposite side in the said county of Surrey; and for or towards making, widening, enlarging, and improving, streets, ways, and passages, on each side of the said river, to and from the said bridge, according to the powers given to the said mayor, aldermen, and commons, in common council assembled, and by the said act of the twenty ninth year of King George

the Second, or in and by this present act : and a sum not exceeding seven thousand five hundred pounds, other part of the said sum of one hundred and fifty six thousand pounds, shall be issued and applied for or towards defraying the expence of embanking so much of the north side of the said river, within the limits aforesaid, as shall by the said mayor, aldermen, and commons, in common council assembled, be embarked by virtue of this present act ; the residue of the said sum of seven thousand five hundred pounds, if any, after defraying such expences, to be issued and applied in manner herein after mentioned and directed, as part of a fund for lighting, watching, cleansing, and repairing, the said intended bridge when built : and a sum not exceeding thirty thousand pounds, other part of the said sum of one hundred and fifty six thousand pounds, shall be issued and applied, in the first place, for or towards redeeming and purchasing the said tolls, payable for the passage over *London Bridge*, and the lease thereof ; and the residue shall be placed out at interest, upon such government or real securities, or be laid out in the purchase of the freehold and inheritance of such lands, tenements, and hereditaments, as to the said mayor, aldermen, and commons, in common council assembled, shall seem meet, in trust, for or towards the uses, intents, and purposes, to which the said tolls, or the rents and fines payable in respect thereof, are now applicable : and a sum not exceeding fifty thousand pounds, other part of the said sum of one hundred and fifty six thousand pounds, shall be issued and applied for or towards the pulling down the said gaol of *Newgate*, and building a new gaol instead thereof ; and for or towards purchasing such houses and lands as shall by the said mayor, aldermen, and commons, in common council assembled, be judged necessary for the purpose of rendering such new gaol more airy, extensive, and commodious, or for making, widening, enlarging, or improving, any of the streets, ways, or passages, adjoining or leading to the said intended new gaol and sessions house : and a sum not exceeding ten thousand pounds, residue of the said sum of one hundred and fifty six thousand pounds, shall be issued and applied for or towards the immediate and substantial repairs of the said house or building, called *The Royal Exchange* : and no part of any of the said several sums shall be applicable or applied to or for any other use, intent, or purpose whatsoever, than to or for, or towards, the several purposes to which the same are so respectively appropriated by this act ; and if any surplus shall remain of any of the said sums, over and above what shall be applied to the several and respective uses and purposes aforesaid, all and every such surplus shall be applied and appropriated for or towards the increase of the fund by the said act of the fifth and sixth years of King *William* and Queen *Mary* established, and by the said act of the twenty first year of King *George* the Second and this present act in part continued and augmented as aforesaid, to and for the several uses and purposes thereof, by the said acts, or any of them, respectively declared or appointed.

And to be applicable to no other use ;

and if any surplus, to be applied to increase the fund.

XLVI. And be it further enacted, That the said mayor and commonalty, and citizens, shall, and they are hereby required, yearly and every year, to pay, or cause to be paid, to the treasurer, for the time being, of the commissioners appointed by an act of parliament made in the second year of his present Majesty's reign, or to be appointed by any future act of parliament, for paving the city and liberty of *Westminster*, the parishes of *Saint Giles* in the Fields, *Saint George the Martyr*, *Saint George Bloomsbury*, that part of the parish of *Saint Andrew Holborn* which lies in the county of *Middlesex*, the several liberties of the *Rolls* and *Savoy*, and that part of the dutchy of *Lancaster* which lies in the county of *Middlesex*, or his assigns, one or more annuity or annuities, or yearly sum or sums of money, not exceeding the yearly sum of eight hundred pounds in the whole, by equal half-yearly payments; that is to say, on the twenty fifth day of *March*, and twenty ninth day of *September*, in every year; the first payment thereof to begin and be made upon the twenty fifth day of *March*, which will be in the year one thousand seven hundred and sixty eight: and that the said mayor and commonalty, and citizens, shall, and they are hereby required, yearly and every year, to pay, or cause to be paid, unto the treasurer, for the time being, of the commissioners appointed by an act of the sixth year of his said present Majesty's reign, or to be appointed by any future act of parliament for paving the town and borough of *Southwark*, and parts adjacent, or his assigns, one or more annuity or annuities, or yearly sum or sums of money, not exceeding the yearly sum of four hundred and eighty pounds in the whole, by like equal half-yearly payments; that is to say, on the twenty fifth day of *March*, and twenty ninth day of *September*, in every year; the first payment thereof to begin and be made on the said twenty fifth day of *March*, which will be in the year of our Lord one thousand seven hundred and sixty eight aforesaid: two third parts of which annuity or annuities shall be applied to the use of the western division, and the other third part to the use of the eastern division, described in the said act.

City to pay an annuity of 800l. towards the Westminster pavement,

of 480l. towards the borough pavement.

XLVII. And be it further enacted, That for securing the payment of the said respective annuities to the respective commissioners aforesaid, in manner above-mentioned, the said mayor and commonalty, and citizens, shall make and execute, under the common seal of the said city, and deliver unto the treasurer for the time being of the said commissioners for paving the streets within the city and liberty of *Westminster*, and parishes adjacent, one or more bond or bonds (the number thereof to be at the option of the said commissioners) and that the said mayor and commonalty, and citizens, shall be therein bound to the treasurer for the time being to the said commissioners, in some penal sum or sums, not exceeding in the whole the sum of twenty thousand pounds, to be paid to the said treasurer, or his assigns, with condition, that such bond or bonds shall be void on payment of the said annuity or annuities of eight hundred pounds

and for that purpose to issue bonds under their common seal.

per annum as aforesaid, or on redemption of such annuity or annuities on the terms and in manner herein after expressed; and that the said mayor and commonalty, and citizens, shall, in like manner, make and execute, under the common seal of the said city, and deliver unto the treasurer for the time being of the said commissioners for paving the streets within the said town and borough of *Southwark*, one or more bond or bonds (the number thereof to be at the option of the said commissioners) and that the said mayor and commonalty, and citizens, shall be therein bound to the said treasurer for the time being to the said last named commissioners, in some penal sum or sums, not exceeding in the whole the sum of twelve thousand pounds, to be paid to the said treasurer, or his assigns, with condition, that such bond or bonds shall be void on payment of the said annuity or annuities of four hundred and eighty pounds *per annum* as aforesaid, or on the redemption of such annuity or annuities on the terms and in manner herein after expressed.

Bonds (if more than one) to be numbered.

XLVIII. Provided always, and be it further enacted, That the said bonds (if more than one) so to be executed and delivered to the treasurer of the said commissioners for paving the streets within the said city and liberty of *Westminster*, and parishes adjacent, shall be numbered in arithmetical progression, beginning at number one; and the said bonds (if more than one) so to be executed and delivered to the treasurer of the said commissioners for paving the streets within the said town and borough of *Southwark*, shall be numbered in like manner; and all the said bonds shall be respectively assignable by proper words to be written or endorsed thereon, and shall or may be sold, or disposed of, by the said commissioners respectively; and the monies arising by such sale, and in the mean time the annuities to arise from such bonds, shall respectively be appropriated and applied towards the execution of the several trusts which the said commissioners are or shall, by any such act or acts, respectively be authorized or required to execute, or cause to be executed, and to or for no other use or purpose whatsoever.

and assignable by endorsement.

Annuities to be redeemable by the city, on notice.

XLIX. Provided also, and be it further enacted, That the said annuities shall, from time to time (until the whole shall be redeemed) be redeemable by the said mayor and commonalty, and citizens, either wholly, or in part, according to their numerical order, without preference or partiality, upon six calendar months notice for that purpose, to be first published in the *London Gazette*; at the expiration of which time, the proprietors of such annuity or annuities shall, upon delivering up to the chamberlain of the said city of *London*, for the time being, at his office in the guildhall of the same city, the said bond or bonds so given for the same, be intitled to receive from the said mayor and commonalty, and citizens, the sum of one hundred pounds, for and in full satisfaction and redemption of every four pounds of such annuity or annuities; which annuity or annuities shall, from and after the end of the said six months, cease, and be no longer paid or payable; any thing to be in such bond or bonds

bonds contained to the contrary thereof, in any ways notwithstanding.

L. And be it further enacted by the authority aforesaid, That all and every the tolls which are or shall be payable, by virtue of any act of parliament or prescription, for the passage over *London Bridge*, and for the passage over the said intended bridge at *Black Fryars*, shall have continuance, and be paid and payable to the said mayor and commonalty, and citizens, until they shall, by and out of the nett produce thereof to arise or accrue from and after the twenty ninth day of *September*, one thousand seven hundred and seventy (after deducting the charges of the collection thereof, and the charges which will attend the making and executing the bonds by this act directed to be given, and the obtaining and passing of this present act, which they are hereby authorized to retain) receive and be reimbursed, all such sum and sums of money as they shall have advanced in payment of the said annuities, or for the redemption thereof, together with interest for the money so advanced at and after the rate of four pounds *per centum per annum*; but from and immediately after such reimbursement shall have been made and completed, the said tolls shall cease and determine, and be no longer paid or payable; any law, statute, or prescription, to the contrary thereof, in any ways notwithstanding.

Tolls of London Bridge and Black Fryars Bridge to cease on the city's being reimbursed said annuities, &c.

LI. And be it further enacted, That the ground and soil of the said river so to be inclosed and embanked, in the front of every such respective wharf or ground (and which shall be bounded on the east and west sides thereof by straight lines running, at right angles, to and upon the said intended front line) shall vest, and the same is hereby vested in the owner or owners, proprietor or proprietors, of such adjoining wharf or ground, according to his, her, or their respective estates, trusts, or interests therein, free from all taxes and assessments whatsoever.

Ground embanked to vest in the said owners.

LII. And, in order to provide a fund for defraying the expences of lighting, watching, cleansing, and repairing, the said intended bridge when built, be it further enacted, That the ground and soil of the said river, which by virtue of this act shall be so inclosed and embanked, shall, from and after the twenty ninth day of *September*, one thousand seven hundred and sixty seven, be for ever subject to, and the same is hereby charged with, the following yearly quit-rents; that is to say, as to so much thereof as shall be so inclosed and embanked by or at the expence of the respective owners or proprietors of the adjoining wharfs or grounds, to and with a yearly quit-rent of one farthing sterling *per foot*, superficial measure, for every superficial foot thereof; and as to so much of the said ground and soil as shall be so inclosed and embanked by order and at the expence of the said mayor, aldermen, and commons, in common council assembled, as aforesaid, to and with a yearly quit-rent of one penny sterling *per foot*, superficial measure, for every superficial foot thereof; which said yearly quit-rents shall be, and the same are hereby vested in and payable to the said mayor and commonalty, and citizens, for ever, to and for the

The ground to be embanked by the owners, subject to a quit-rent of 1 q. *per foot*;

and if by the city, to a quit-rent of 1 d. *per foot*.

the

the uses, intents, and purposes, herein after mentioned, of and concerning the same; and shall be yearly paid and payable into the receipt of the chamber of the said city of *London*, upon the twenty fifth day of *March*, and twenty ninth day of *September*, in every year, by even and equal portions; the first of such payments to begin and be made upon such of the said days as shall first and next happen after such respective embankments shall have been finished and completed.

Tenants by lease to pay said quit-rents;

LIII. And be it further enacted, That the said quit-rents, so charged upon, and payable in respect of, the ground and soil of the said river, lying opposite and contiguous to any wharfs or grounds, which, at the time of such respective embankments, shall be held by any tenant or tenants, by virtue of or under any lease or leases thereof, or any agreement or agreements in writing, shall, during the continuance of the term or interest of such tenant or tenants therein respectively, be paid and payable by such tenant or tenants, over and above the rents reserved and made payable by such lease or leases, agreement or agreements, respectively.

and in case of embankment by the landlord, to pay

LIV. Provided always, That where the said ground and soil of the river, opposite and contiguous to any of the said wharfs or grounds, shall be inclosed or embanked, by or at the charge of the landlord or landlords of such wharf or ground respectively, the tenant or tenants thereof, holding under such lease or leases, agreement or agreements, shall, during the continuance of his, her, or their term or interest therein, pay unto his, her, or their respective landlord or landlords, over and above the said quit-rent, and the rent or rents reserved and made payable by such lease or leases, agreement or agreements, an additional yearly rent of three farthings *per* foot, superficial measure, for every superficial foot contained in the ground and soil so inclosed and embanked for him, her, or them respectively; which additional rent or rents shall commence and take place at the same time as the quit-rents hereby reserved and made payable to the mayor and commonalty, and citizens, of the said city, are directed to take place, and shall be paid and payable, and shall and may be recovered, in such and the like manner as the said original rent or rents is or are reserved and recoverable by or under such lease or leases, agreement or agreements; any thing therein contained to the contrary thereof in any ways notwithstanding.

an additional rent of 3^d. *per* foot.

Tenants indemnified for their payments to the city.

LV. Provided also, and be it further enacted, That in all cases not herein before mentioned and provided for, the tenant or tenants of any of the said wharfs or grounds shall and may pay into the receipt of the chamber of the said city, the quit-rent hereby made payable in respect of the ground and soil opposite and contiguous to his, her, or their respective wharfs or grounds, and deduct the same out of the rent or rents which he, she, or they, shall be liable to pay to his, her, or their respective landlord or landlords; and, upon payment of such quit-rents, shall be acquitted and discharged of so much money as the same shall amount unto, as if the same had actually been paid to such landlord

landlord or landlords: and if any difference shall arise between landlord and tenant, or any other person, concerning the said quit-rent, or any part thereof, the court of mayor and aldermen of the said city of *London* shall have, and they are hereby invested with, full power to hear the same in a summary way, upon petition of either of the parties, and fourteen days notice to the other parties interested, and finally to determine the same.

Mayor and aldermen to determine differences between landlord and tenant, 14 days notice. City, in case of non payment, to enter and possess.

LVI. Provided also, and be it further enacted, That if the said yearly quit-rent, or any part thereof, shall happen to be behind or unpaid, by the space of forty days next over or after either of the said days herein before appointed for payment thereof; then, and in every such case, it shall and may be lawful to and for the said mayor and commonalty, and citizens, into and upon the premises, in respect of which such yearly quit-rent, or any part thereof, shall so be in arrear, to enter, and the same to hold, use, occupy, possess, and enjoy, and the rents and profits thereof to take, until thereby, or otherwise, the said yearly quit-rent so due and in arrear for the same, together with the costs and charges of such entry and possession, shall be fully paid and satisfied.

LVII. Provided also, and be it further enacted, That the said yearly quit-rent, by this act reserved and made payable, and every or any part thereof, shall be redeemable, upon payment to the chamberlain of the said city for the time being of the price or value thereof, to be computed and estimated at and after the rate of twenty years purchase, together with all arrears of the said yearly quit-rent, to be computed *pro rata* to the day of such payment or tender.

Quit-rents redeemable.

LVIII. Provided always, and be it further enacted, That nothing in this act contained shall extend to vacate or set aside any agreement which hath been, or shall be, made between the said mayor, aldermen, and commons, in common council assembled, or any committee of them, or their agent or agents, and the benchers of the two honourable societies of the *Middle Temple* and *Inner Temple*, or either of them, with respect to the said em-bankment, or any payment or other matter relating thereunto; but such agreement or agreements shall be duly carried into execution; any thing herein contained to the contrary notwithstanding.

Agreements with the societies of the Middle and Inner Temple not to be vacated,

LIX. Provided also, and be it enacted, That nothing in this act contained shall extend to take away, alter, or abridge, any right, claim, privilege, franchise, exemption, or immunity, to which the said societies, or either of them, are now by law intituled; but the same shall remain and continue in such force and effect as if this act had never been made.

or their franchises abridged.

LX. And be it further enacted, That all the monies which shall be so paid for the redemption or purchase of any part of the said quit-rents, and also the residue (if any) of the said sum of seven thousand five hundred pounds (part of the said sum of one hundred and fifty six thousand pounds, to be borrowed and raised as aforesaid) which may remain after defraying the ex-pence

Redemption money and residue of said 7,500l. to be placed out at interest;

and said interest and quit-rents.

appropriated to the lighting the new bridge.

Chamberlain to keep accounts of receipts and disbursements, for public inspection.

ence of the embankments so to be made by order of the said mayor, aldermen, and commons, in common council assembled, shall be placed out at interest, upon real or government securities, in the name of the chamberlain, comptroller, and town clerk, of the said city for the time being: and the interest or dividends of the said sums so to be placed out at interest, which shall accrue before the said twenty ninth day of *September*, one thousand seven hundred and seventy; and the said quit-rents, which in that time shall become due and payable; shall, in like manner, be placed out at interest, in addition to the said principal sums; and the interest or dividends of the said accumulated sums, together with the quit-rents which shall not be redeemed, and shall accrue from and after the said twenty ninth day of *September*, one thousand seven hundred and seventy, shall, from time to time, be issued and applied, and the same are hereby appropriated, to, for, or towards, the lighting, watching, cleansing, and repairing, the said intended bridge at *Black Fryars*, and to or for no other use, intent, or purpose whatsoever.

*LXI. And, to the end that the several sums of money hereby appointed and appropriated to the respective uses and purposes herein before-mentioned and prescribed, may be duly applied to such uses accordingly, and to no other, be it further enacted, That there shall, from time to time, be provided and kept by the chamberlain of the said city of London for the time being, one or more book or books of vellum or parchment, in which all the monies to be received of the said fund, by the said act of the fifth and sixth years of King William and Queen Mary established, and by the said act of the twenty first year of King George the Second and this present act in part continued and augmented, shall, from time to time, as the same shall be received, be entered and set down; and such entry shall specify for what the same was received; and also one other like book or books, wherein the accounts of all payments and disbursements out of the same shall be likewise entered and set down, expressing the time when, the occasion for which, and the name of the person or persons to whom, the same were so paid and disbursed; and that the accounts of such receipts and payments be audited yearly upon oath, before one of the auditors of the imprest for the time being (which oath the said auditors respectively are hereby required to administer) between the feast days of *Saint Michael* the archangel and *Saint Thomas* the apostle; and the said auditor shall have and receive of the chamberlain of the said city of London for the time being the sum of twenty shillings, and no more, for every thousand pounds the said account shall amount to; which accounts, so audited, shall be signed by the auditor, and be allowed also by the said court of mayor and aldermen of the said city of London: and there shall also be provided and kept by the said chamberlain, one or more book or books of vellum or parchment, in which all the monies, which by virtue of this present act shall be raised or borrowed upon the credit of the fund aforesaid, shall, from time to time, as the same shall be received, be entered and set down;*

and

and wherein also all the monies to be paid and disbursed out of the monies to be received shall, from time to time, be entered and set down; and such entry shall express the time when, the occasions for which, and the names of the persons to whom, the same shall be so paid; the account of which said last mentioned receipts and payments shall be yearly audited and allowed by the said mayor, aldermen, and commons, in common council assembled: and there shall also be provided and kept by the said chamberlain one or more book or books of vellum or parchment, in which all the monies to be received from any of the tolls which, from and after the said twenty ninth day of *September*, one thousand seven hundred and seventy, shall be payable for the passage over *London Bridge*, or for the passage of the said intended bridge at *Black Friars*, shall, from time to time, as the same shall be received, be entered and set down; and wherein also all the monies to be paid or disbursed of the monies so received shall, from time to time, be entered and set down; and such entry shall express the times when, the occasions for which, and the names of the persons to whom, the same shall be so paid; the account of which last mentioned receipts and payments shall be yearly audited and allowed by the said court of mayor and aldermen of the said city; and the said several books shall remain in the chamber of the said city of *London*, to be perused and inspected *gratis* by any person or persons at any time or times (*Sundays* or other holidays excepted) in the forenoon, between the hours of ten and twelve.

LXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said mayor, aldermen, and commons, in common council assembled, and they are hereby authorized and impowered, from time to time, to nominate and appoint such and so many clerks and other officers under them as shall be necessary to be employed in or about the execution of all or any the purposes aforesaid; and out of the said monies to be raised by virtue or in pursuance of this act, to make such allowances to the said clerks and officers respectively, for their care and pains in the execution of their respective offices, as they shall think reasonable; any thing herein before contained to the contrary thereof in any ways notwithstanding.

Common council impowered to appoint officers.

LXIII. And be it further enacted, That all and every officer and officers, or other person or persons whatever, concerned, or to be concerned, in the receipt of any of the sums of money by this act appropriated to the uses aforesaid, before he or they shall be admitted to take upon him or them the execution of any of the said office or offices, shall be bound with sufficient sureties to the said mayor and commonalty, and citizens, for the just and faithful execution of such office or employment, in such reasonable sum or sums as by the said court of mayor and aldermen shall be thought fitting, having regard to the trust reposed, or to be reposed, in such officer or officers.

Officers concerned in the receipt of money, to give security.

LXIV. And be it further enacted, That if any chamberlain of the said city of *London*, or other officer or person aforesaid, shall, applying any

Penalty on officers mis-

of the said monies.

shall, after receipt of any of the said monies, divert or misapply the same, or any part thereof, contrary to the true intent and meaning of this act; then such chamberlain or other officer, or person aforesaid, so diverting or misapplying the said money, shall forfeit treble the sum so misapplied; which said forfeitures shall be recovered by any of the said orphans and other creditors of the said city, claiming under or by virtue of the said act of the fifth and sixth years of King *William* and Queen *Mary*, or by the executors, administrators, or assigns, of any of them, who shall sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no effoin, protection, or wager of law, or more than one imparlance, shall be allowed.

City answerable in case of any misapplication by them.

LXV. And be it further enacted, That if any of the said sums by this act appropriated, or any part thereof, shall happen to be misapplied or converted to any other use than as aforesaid, by the said mayor and commonalty, and citizens of *London*, for the time being, or any of their officers, or any other person, by colour of any warrant or authority by, from, or under them; then, and in such case, the said mayor and commonalty, and citizens, shall be answerable for the same, out of the revenues of the said corporation, in any action to be brought by any of the said creditors, their executors, administrators, or assigns; which said sum so recovered shall be applied to the same uses as the same sums (if not misapplied) should or might have been; excepting the costs of suit, which shall be to and for the benefit of him, her, or them, so suing.

Amerciaments, &c. against the city to be applicable to the uses of this act, and not to be discharged, &c.

LXVI. Provided always, and be it further enacted, That all amerciaments, fines, issues, or distresses, against the said corporation of the said mayor and commonalty, and citizens, had, charged, or levied, in or upon account of such suits or actions brought, shall be applied to the uses aforesaid, and to no other use whatsoever; nor shall the same be pardoned, acquitted, or discharged, by any letters of signet, privy seal of his Majesty, his heirs, or successors, or otherwise howsoever; any law or usage to the contrary notwithstanding.

Chamberlain to lay accounts before parliament annually.

LXVII. And be it further enacted, That the chamberlain of the said city of *London*, for the time being, shall, within the first session of the next parliament, lay before each house of parliament an account of the surplus which shall have arisen between the twenty fourth day of *June*, one thousand seven hundred and sixty seven, and twenty ninth day of *September*, in the year one thousand seven hundred and sixty eight, of and from the said fund established by the said act of the fifth and sixth years of King *William* and Queen *Mary*, and in part further continued and augmented by the said act of the twenty first year of King *George* the Second and this present act, and how much of the said surplus shall have been applied to the payment of the said respective principal sums, and how much of such principal sums shall then remain unpaid; and also an account of the disbursements within that time of the said sum of one hundred and fifty

six thousand pounds, or of so much thereof as shall have then been raised and borrowed; and also an account of the receipts of, and payments out of the said tolls, within the same time; and shall, in each succeeding year, lay before each house of parliament, the like accounts for the year, ending the twenty ninth day of *September* then last past.

LXVIII. Provided always, and be it further enacted, That no bond, note, contract, agreement, assignment, entry, copy, or proceeding, by this act directed or authorized to be executed, made, or given, shall be charged or chargeable, or subject or liable to any duty whatsoever. Bonds, &c. directed by this act, not chargeable with any duty.

LXIX. Provided also, and be it further enacted, That nothing in this act contained, shall extend or be construed to extend, to lessen or affect the security of any of the present creditors of the said mayor and commonalty, and citizens, further or otherwise, than is herein expressly directed and enacted. This act not to affect any of the city's present creditors,

LXX. And be it further enacted by the authority aforesaid, That if any action shall be brought, or suit commenced against any person or persons for any thing done in pursuance of this act, or in relation to the premises, or any of them, every such action or suit shall be laid or brought within six calendar months next after the fact done, and shall be laid or brought in the said city of *London*, and not elsewhere; and the defendant or defendants, in such action, may plead the General Issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other city, county, or place, than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or party shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if judgement shall be given against the plaintiff or plaintiffs, the said defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath or have for costs in other cases by law. Limitation of actions. General Issue. Treble costs.

LXXI. And be it further enacted by the authority aforesaid, That this act shall be allowed in all courts whatsoever, as a public act; and all judges, justices, or other persons, are hereby required to take notice thereof as such, without special pleading. Publick act.

C A P. XXXVIII.

An act to amend and render more effectual an act made in the eighth year of the reign of King George the Second, for encouragement of the arts of designing, engraving, and etching, historical and other prints; and for vesting in, and securing to, Jane Hogarth widow, the property in certain prints.

WHEREAS an act of parliament passed in the eighth year of the reign of his late majesty King George the Second, Preamble, reciting act 8 titled, Geo. 2.

The original inventors, designers, or engravers, &c. of historical and other prints, and such who shall cause prints to be done from works, &c. of their own invention,

and also such as shall engrave, &c. any print taken from any picture, drawing, model, or sculpture; are intitled to the benefit and protection of the recited and present act; and those who shall engrave or import for sale, copies of such prints, are liable to penalties.

The sole right of printing and reprinting the late W. Hogarth's prints,

vested in his widow and executrix for

intituled, An act for the encouragement of the arts of designing, engraving, and etching, historical and other prints, by vesting the properties thereof in the inventors and engravers, during the time therein mentioned, *has been found ineffectual for the purposes thereby intended*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *January*, one thousand seven hundred and sixty seven, all and every person and persons who shall invent or design, engrave, etch, or work in *Mezzotinto* or *Chiaro Oscuro*, or, from his own work, design, or invention, shall cause or procure to be designed, engraved, etched, or worked in *Mezzotinto* or *Chiaro Oscuro*, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, shall have, and are hereby declared to have, the benefit and protection of the said act and this act, under the restrictions and limitations herein after-mentioned.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *January*, one thousand seven hundred and sixty seven, all and every person and persons who shall engrave, etch, or work in *Mezzotinto* or *Chiaro Oscuro*, or cause to be engraved, etched, or worked, any print, taken from any picture, drawing, model, or sculpture, either ancient or modern, shall have, and are hereby declared to have, the benefit and protection of the said act, and this act, for the term herein after-mentioned, in like manner, as if such print had been graved or drawn from the original design of such graver, etcher, or draughtsman: and if any person shall engrave, print, and publish, or import for sale, any copy of any such print, contrary to the true intent and meaning of this and the said former act, every such person shall be liable to the penalties contained in the said act, to be recovered as therein and herein after is mentioned.

III. *And whereas* William Hogarth, late of the city of Westminster, painter and graver, did etch and engrave, and cause to be etched and engraved, several prints from his own invention and design, the property and sole right of vending all such prints, being secured to him the said William Hogarth for the term of fourteen years from their first publication, by the said former act of parliament; which said property, by his last will, became vested in his widow and executrix: *And whereas* since the first publication of several of the said prints, the term of fourteen years is expired, and several base copies of the same have been since printed and published, whereby the sale of the originals has been considerably lessened, to the great detriment of the said widow and executrix: *And whereas* since the publication of others of the said prints, the term of fourteen years is now near expiring; be it enacted by the authority aforesaid, That *Jane Hogarth*, widow and executrix of the said *William Hogarth*, shall have the sole right and liberty of printing and reprinting all the said prints, etchings, and engravings, of

the design and invention of the said *William Hogarth*, for and during the term of twenty years, to commence from the first day of *January*, one thousand seven hundred and sixty seven; and that all and every person and persons who shall at any time hereafter, before the expiration of the said term of twenty years, engrave, etch, or work in *Mezzotinto* or *Chiaro Oscuro*, or otherwise copy, sell, or expose to sale, or cause or procure to be etched, engraved, or worked in *Mezzotinto* or *Chiaro Oscuro*, any of the said works of the said *William Hogarth*, shall be liable to the penalties and forfeitures contained in this and the said former act of parliament; to be recovered in like manner as in and by this and the said former act are given, directed, and appointed.

IV. Provided nevertheless, That the proprietor or proprietors of such of the copies of the said *William Hogarth's* works, which have been copied and printed, and exposed to sale, after the expiration of the term of fourteen years from the time of their first publication by the said *William Hogarth*, and before the said first day of *January*, shall not be liable or subject to any of the penalties contained in this act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That all and every the penalties and penalty inflicted by the said act, and extended, and meant to be extended, to the several cases comprised in this act, shall and may be sued for and recovered in like manner, and under the like restrictions and limitations, as in and by the said act is declared and appointed; and the plaintiff or common informer, in every such action (in case such plaintiff or common informer shall recover any of the penalties incurred by this or the said former act) shall recover the same, together with his full costs of suit.

VI. Provided also, That the party prosecuting shall commence his prosecution within the space of six calendar months after the offence committed.

VII. And be it further enacted by the authority aforesaid, That the sole right and liberty of printing and reprinting intended to be secured and protected by the said former act and this act, shall be extended, continued, and be vested in the respective proprietors, for the space of twenty eight years, to commence from the day of the first publishing of any of the works respectively herein before and in the said former act mentioned.

VIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, any thing in pursuance of this act, the same shall be brought within the space of six calendar months after the fact committed; and the defendant or defendants in any such action or suit shall or may plead the general issue, and give the special matter in evidence; and if, upon such action or suit, a verdict shall be given for the defendant or defendants, or if the

the term of
20 years.
Penalty of
copying, &c.
any of them,
before the ex-
piration of the
said term;

such copies
excepted as
weremadeand
exposed to
sale after the
term of 14
years, for
which the said
works were
first licensed,
&c.

Penalties may
be sued for as
by the recited
act is direct-
ed;

and be reco-
vered with
full costs;

provided the
prosecution be
commenced
within 6
months after
the fact.

The right in-
tended to be
secured by this
and the for-
mer act, vest-
ed in the pro-
prietors for
the term of
28 years from
the first pub-
lication.

Limitation of
actions.

General issue.

Full costs.

plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or actions, then the defendant or defendants shall have and recover full costs; for the recovery whereof he shall have the same remedy as any other defendant or defendants, in any other case, hath or have by law:

C A P. XXXIX.

An act for the better regulation of the parish poor children, of the several parishes therein mentioned, within the bills of mortality.

Preamble.

WHEREAS it would greatly tend to the preservation of the lives of the infant parish poor of the several parishes hereafter mentioned, and be of public utility, if the officers of such parishes were compelled by law to send such infant poor into the country to be nursed, for a certain time; and proper persons appointed guardians in each parish, to inspect into the management and usage of such infants: And whereas the keeping registers of such infant poor, until they shall respectively arrive at the age of fourteen years, be placed out apprentice, or otherwise disposed of, would be a further means of preserving the lives of such infants: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every child and children who, on or before the first day of July, one thousand seven hundred and sixty seven, was or were born in, or received into, any workhouse or parish-house; or which shall thereafter be born in any workhouse or parish-house, or received by any select vestries, governors, directors, or managers, appointed for the management of parochial affairs, or by any church-wardens, overseers of the poor, or other officer or officers authorized by the several parishes following, or any of them, respectively; that is to say, The seventeen parishes without the walls of London; the twenty three parishes in Middlesex and Surrey, being within the bills of mortality, and the liberty of the tower of London; and the ten parishes within the city and liberty of Westminster; shall be nursed and taken care of in manner as hereafter mentioned.

Children born in, or received into, any workhouse or parish house, within the several parishes here mentioned,

are to be nursed, and taken care of, as follows; viz.

Such of them as are under 6 years of age, to be sent in the country, not less than 3 miles off;

those under 2 years, not suckled by the mother, not less than 5 miles off;

II. And be it further enacted by the authority aforesaid, That all such children, under the age of six years, who, upon the said first day of July, shall be under the care of vestries, governors, directors, or managers, of the poor, or parish officers, shall, within fourteen days after the said time, be sent into the country, to a distance not less than three miles from any part of the cities of London and Westminster; there to be nursed and maintained at the charge of their respective parishes.

III. And be it further enacted by the authority aforesaid, That all children who shall, from and after the said first day of July, be born in, or shall be received into, workhouses or parish-houses belonging to the said parishes, not being suckled by the

mother,

mother, under the age of two years, shall, within fourteen days after their birth or reception, be sent into the country, to a distance not less than five miles from any part of the said cities of *London* or *Westminster*; and all children received into such workhouses or parish-houses above the age of two years, and under the age of six years, shall, within fourteen days after their reception, be sent into the country, to a distance not less than three miles from any part of the said cities of *London* or *Westminster*; there to be nursed and maintained in manner herein after directed.

IV. And be it further enacted by the authority aforesaid, That for the nursing and maintenance of each child so put out as aforesaid, the respective sums following shall be paid; that is to say, For the first six years of their age, a sum not less than two shillings and six pence; and from that time until such child shall be put out apprentice, or return to the workhouse, a sum not less than two shillings per week; and shall also, over and above the said charge of nursing and maintaining each child, pay to every nurse who shall have received any child of or under the age of nine months (the said child being alive, and having been treated properly, and to the satisfaction of the guardians hereafter mentioned, or the major part of them, assembled at any meeting appointed by this act) after having been under her care twelve months, a sum not less than ten shillings, as a reward for her pains and care taken in the nursing of such child: And the governors, directors, managers, or overseers of the poor, of the respective parishes from whence such children shall be so sent to nurse, shall find good, proper, and sufficient cloathing for each and every of them respectively; and shall defray the expences of conveyance, medicines, burials, and all other necessary expences incurred on account of the said children; and shall keep, in a book or books to be provided for that purpose, separate, regular, and exact accounts of all expences incurred in relation thereto.

V. And, in order the more effectually to guard against all dangerous consequences which may arise to the said children from false patronage, negligence, inadvertency, or the annual change of parish officers, be it further enacted by the authority aforesaid, That five noblemen or gentlemen, inhabitants of each parish, shall, within fourteen days after the said first day of July, be appointed and chosen, under the title or denomination of *Guardians of the parish poor children*; two or more of which said guardians shall be chosen out of the select vestry, or out of the governors, directors, or managers of the poor of each parish; and where there is no select vestry, governors, directors, or managers; then the said five guardians to be chosen and appointed out of the noblemen and gentlemen inhabitants of each parish; and the election to be made upon *Tuesday*, or some other day in *Easter* week, by the inhabitants having right to assemble in vestry: And in case there shall be no noblemen or gentlemen, or not be a sufficient number of such noblemen or gentlemen who will accept of the office of guardians: then the said guardians, or so many as shall

and those above 2, and under 6 years of age, not less than 3 miles off.

Weekly rates to be paid for their nursing and maintaining, till apprentic'd, or returned to the workhouse. Conditional reward to nurses for their care.

Cloathing to be furnished, and all other incidental expences defrayed, by the parish, and separate accounts to be kept thereof.

Five guardians of the parish poor children to be chosen.

Where any shall refuse to act, or shall resign, or die, a further choice to be made.

First guardians to continue in office till the year 1770;

Future guardians to remain 3 years in office.

Churchwardens and overseers disqualified from being elected guardians. Power and duty of guardians.

Evils complained of by them, how to be remedied.

A meeting of the guardians to be summoned every 6 weeks: Two make a quorum. Power given them singly, or jointly, to call in the churchwardens or overseers.

be wanting to make up the number of five, shall be chosen out of the principal and most respectable inhabitants: and if any of the parties so chosen shall refuse to act, or shall afterwards resign their guardianship, or shall die; that then, and in either of the said cases, a further choice shall be made in the same manner as before mentioned, within fourteen days after such refusal, resignation, or death, of so many as shall be necessary to complete the number.

VI. And be it further enacted by the authority aforesaid, That such noblemen, gentlemen, or principal inhabitants, who shall, in consequence of this act, be first chosen and appointed guardians of the parish poor children, shall continue and remain in their respective offices till the day in *Easter* week, in the year one thousand seven hundred and seventy, of the inhabitants meeting for the choice of guardians as aforesaid; and that the guardians then chosen, or at any time thereafter to be chosen, shall remain in their respective offices for the term of three years then next ensuing: and that all appointments of guardians in future, shall be once in three years only; except in cases of death, resignation, or refusal as aforesaid.

VII. Provided always, That no churchwarden, or overseer of the poor, shall be elected into the said office of a guardian.

VIII. And be it further enacted by the authority aforesaid, That the said guardians, or any one of them, shall have free admittance to visit and see the said parish poor children, and inform themselves fully concerning their state and condition; and the said guardians shall also have full liberty to examine, and have free access to, all registers, books, and accounts, relating to the said children: and in case of any neglect or improper conduct, whereby the life or health of a child may appear to the said guardians, or to any one of them, to be in danger, to report the same to the select vestry, governors, directors, or managers, or to the churchwardens or overseers of the poor: and if the said vestry, governors, directors, or managers, churchwardens, or overseers, or some or one of them, do not take the most efficacious measures to remedy the evil complained of; that then it shall be lawful to and for the said guardians, or any one of them, to inform one or more of his Majesty's justices of the peace, and give evidence of the facts; and the said justice or justices of the peace is and are hereby impowered to give such orders and directions therein, as he or they shall think most proper.

IX. And be it further enacted, That the said guardians shall be summoned, by the vestry clerk, at least once in six weeks, to meet at the vestry-room, or, where there is no vestry-room, in other convenient place; and two of the said guardians shall make a *quorum*, either of them having the liberty of calling in one of the churchwardens or overseers; and when only one of the said guardians is present, he shall have the liberty of calling in two of the churchwardens or overseers, who shall attend him accordingly; and when any number of the said five guardians shall meet, they shall have the liberty of calling in two of

the churchwardens or overseers, as the majority of them shall think proper.

X. And whereas in many parishes the said select vestries, governors, directors, or managers, churchwardens, or overseers of the poor, may find it inconvenient and difficult, through want of regular correspondence with proper persons in the country, to supply them with nurses, and also to take the charge of inspecting nurseries in such a manner as shall prove effectual to the preservation of the lives of the said children; be it therefore enacted by the authority aforesaid,

That the said select vestries, governors, directors, or managers, churchwardens, or overseers of the poor, shall be at liberty to send their said parish poor children, or any of them, being under the age of six years as aforesaid, to the hospital for the maintenance and education of exposed and deserted young children; and it shall and may be lawful to and for the governors and guardians of the said hospital, for the time being, to receive such children; and the said select vestries, governors, directors, managers, churchwardens, or overseers of the poor, are hereby impowered to agree with the said governors and guardians for that purpose, upon such terms, and in such manner, as shall be adequate to the support and maintenance of each child.

Liberty granted, of sending parish poor children, under 6 years of age, to the Foundling Hospital,

upon such terms as shall be agreed on

XI And be it enacted by the authority aforesaid, That the terms so agreed upon, and the sums agreed to be paid for the admission, maintenance, and education, of such parish poor children as shall be sent to the said hospital, shall be paid by the overseer or overseers of the poor for the time being, out of the poors rate of each parish respectively: and in case any sum or sums of money agreed between the said select vestries, governors, directors, or managers, churchwardens, or overseers, and the governors and guardians of the said hospital, or any five of them in committee, shall not be paid, by such overseer or overseers, to the person or persons who shall be authorized by the said governors and guardians to receive the same; it shall and may be lawful to and for any one or more of his Majesty's justices of the peace for the counties of *Midd'sex* or *Surrey*, the city and liberty of *Westminster*, or liberties of the *Tower Hamlets*, respectively, to summon the overseer or overseers who shall refuse or neglect to make such payment, and to order immediate payment to be made of so much as shall appear to such justice or justices to be due, together with such costs and charges as may have been incurred by the said governors and guardians in consequence of such refusal or neglect: and if the overseer or overseers shall refuse or neglect to obey the order of such justice or justices, the sum directed to be paid thereby shall be recovered by distress and sale of the goods and chattles of such overseer or overseers, together with the costs attending such distress and sale, rendering the overplus (if any) to the owner.

The charge to be defrayed out of the poor rates;

and if not duly paid,

any justice may summon the overseers,

and order immediate payment, with the charges incurred;

and, on refusal, may levy the same by distress and sale.

XII. And be it further enacted by the authority aforesaid, That at the time of the death, discharge, or apprenticeship, of any such parish poor child, a certificate thereof shall be sent, by the secretary of the said governors and guardians, to the vestry clerk,

The death, discharge, or apprenticeship, of any child, to be certified to the

vestry clerk
of the parish.

Hospital ac-
count to be
kept with each
parish distinct.

Parish chil-
dren, and
foundlings,
to be appren-
tic'd for not
more than 7
years, or till
21 years of
age.

Apprentice
fee not to be
less than 4l.
2 s. and to be
paid at two
payments.

Act 2 Geo. 3.

Particular re-
gisters to be
provided by
each parish,
according as
they come
within the fol-
lowing de-
scription.

or overseers of the poor, of such parish to which the said child did belong.

XIII. And be it further enacted by the authority aforesaid, That the hospital account shall be kept with each parish distinct, in a proper book or books, with marginal columns, according to the schedule annexed, marked (A); and that such book or books, or true copies thereof, shall be signed by the secretary of the hospital.

XIV. *And whereas it often disturbs the peace of domestic life, checks marriage, and discourages industry, to place out parish boys to the age of twenty four years; therefore, in order to remedy the same,* be it enacted by the authority aforesaid, That it shall and may be lawful to place or bind out boys as well as girls apprentices, by the respective parish officers for the time being, and also by the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, for the term of seven years, or till they shall attain their respective ages of twenty one years, and no longer.

XV. *And whereas the sums of twenty shillings to forty shillings now usually given with a child placed out by the parishes, are by no means adequate to the procuring such masters and mistresses as are in general fit and proper: and whereas there is a general neglect in the moral and religious instruction of apprentices; and some pecuniary encouragement may excite masters and mistresses to discharge their duty, in this respect, toward young persons who are thus intrusted in their care;* be it therefore further enacted by the authority aforesaid, That from and after the said first day of July, one thousand seven hundred and sixty seven, no such parish child shall be bound out an apprentice with a sum less than four pounds two shillings as an apprentice fee; forty shillings whereof to be paid to the master or mistress within seven weeks after executing the indentures, and the remaining forty two shillings to be paid after such apprentice shall have served three years of his or her apprenticeship.

XVI. *And whereas the act of the second of his present Majesty, intituled, "An act for the keeping regular, uniform, and annual registers, of all parish poor infants under a certain age " within the bills of mortality" requires no account of the children after the age of four years;* be it therefore further enacted by the authority aforesaid, That the respective vestries, governors, directors, managers, overseers of the poor, or other officer or officers, of the several and respective parishes herein before mentioned, or some or one of them, shall, and they are hereby directed and required, on or before the said first day of July, to provide, or cause to be provided, at the expence of their respective parishes wherein there is or shall be a work-house, hospital, or other house or place provided for the maintenance of the poor, a book of royal paper, which shall be ruled with distinct columns, and the title of each column shall be wrote or printed in such page agreeable to the schedule hereunto annexed, marked (B); and the book belonging to each respective parish,

parish, wherein there is not nor shall be any such workhouse, hospital-house, or place, shall in every page be ruled with distinct columns, and the title of each column shall be wrote or printed in such page agreeable to the schedule hereunto annexed, marked (C); any thing in the said act of the second year of his present Majesty's reign, or any other act or acts of parliament, to the contrary thereof in any wise notwithstanding.

XVII. And be it further enacted by the authority aforesaid, That there shall be mentioned, at the foot of each register, the gross number of the children, remaining in the hands of mothers who have been relieved by the respective parishes during the course of the year, not entered in the register; and the number of such who are known to be remaining alive.

Entry to be made at the foot of each register.

XVIII. And be it further enacted by the authority aforesaid, That the abstract of the register of the said infant poor shall be according to the schedule hereunto annexed, marked (D).

Form of the abstract of the register or the infant poor.

XIX. And be it further enacted by the authority aforesaid, That the names of all the parish poor children who shall be alive, under the care of any governors, directors, managers, churchwardens, or overseers of the poor, on the first day of *July* next ensuing, shall be entered in the said registers, and shall be continued on, and transferred from year to year, in the said register, 'till their death, or discharge to parents or friends, or 'till they are respectively placed out apprentice; and that the day of placing them out, and the time of their servitude, shall be entered in the said registers as above mentioned.

Manner of conducting their registers.

XX. And be it further enacted by the authority aforesaid, That a full list of all apprentices placed out by the respective parishes shall be made out by the vestry clerks, or other proper officer, and delivered, in the month of *February* in every year, to the company of parish clerks; the same to be written on royal paper according to the schedule annexed, marked (E) to be bound up and deposited by the company of parish clerks; and the said company shall make out an abstract thereof, distinguishing the number placed out from each parish, and how many of them were born in the work-house or parish-house; and shall cause the same to be printed; and shall send six fair copies of the said abstract to each parish respectively.

Annual list to be made out by each parish of the children apprenticed, and delivered to the company of parish clerks.

Abstract thereof to be printed, and delivered to each parish.

XXI. And be it further enacted by the authority aforesaid, That the first annual register of the said infant poor, and also the first annual lists of apprentices, hereby intended and directed to be kept, shall commence on the said first day of *July*, and shall end on the thirty first day of *December* ensuing; and, after that time, the said annual register and lists shall commence the first day of *January*, and end the thirty first day of *December* following.

Registers and lists to commence and end annually at a certain time.

XXII. And be it further enacted by the authority aforesaid, That all expences incident to and attending the nursing, maintenance, education, placing out apprentice, or otherwise relating to the matters herein contained, the manner whereof is not herein particularly ordered and directed, shall be paid out of

General expences not otherwise provided for, to be paid out of the poor rates.

the monies arising from the poors rates of the respective parishes wherein such expences shall be incurred.

Penalty on parish officers, and others, neglecting their duty.

XXIII And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, vestryman, clerk of the vestry, master of the work-house, master or warden of such company of parish clerks, or any clerk of such company, or any other person or persons, shall neglect his duty as directed in and by this act; such churchwarden, overseer of the poor, clerk of the vestry, or master of the work-house, master or warden of such company of parish clerks, or such clerk of such company, person or persons, shall, for every offence, forfeit and pay to the informer the sum of five pounds; to be recovered before any two or more of his Majesty's justices of the peace, and to be levied by distress and sale of the goods and chattles of the offender, by virtue of a warrant under the hands and seals of the justices before whom the same shall be recovered, directed to any constable or other peace officer; and if there shall be any overplus of the said forfeiture, the same shall be returned to the owner, after the charges of such distress and sale shall be deducted.

Publick act.

XXIV. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be, a public act; and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.



S C H E D U L E A.

Exposed and Deserted young Children, with the Parents of the Seventh of His Majesty King George the Third)

Income of the ... If returned ...

S C H E D U L E B.

THE PARISH POOR CHILDREN, until they are Apprenticed out of from the Parish of ... (where there is ... of the Parish of ... according to the Acts of Parliament of the Second and seventh of His Majesty King ...)

F I N I S H

Penalty
parish of
and both
neglect
their du

	but not in the Work-house	
	use.	
	at out to service.	
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	rs.	
	Months.	
	Months.	
	Months.	
	Months.	
	rs.	
	Months.	
	to be nursed.	
	within five Miles of London,	
	to their Friends, Fathers,	
	the Mother, mark M.	
	house or Parish-house.	
	our Years.	
	rs.	
	Years.	
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	house or Parish-house.	
	er in the Workhouse or Pa-	
	se.	
	orkhouse or Parish-house.	
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	ngs.	
	Years.	
	rs.	
	rs.	
	rs.	
	Months.	
	Months.	
	Months.	

Public

SCHEDULE E.

REGISTER of the APPRENTICES placed out by the Parish of _____ **from the** _____ **of**
to the 31st. Day of December _____ **according to the Acts of Parliament of the Second**
and Seventh of His Majesty King George the Third.

Name of the Apprentice.	When born or received, If born in the Workhouse or Parish-house, B.	Age when received, in the Years, Months, and Days.	When placed out Apprenticed.	Name of the Person to whom placed out.	What Trade or Business.	Where living, Street, Sign, or other Distinction.	Age when placed out, in Years, and Months.	For what Time placed out.	Apprentice Fee paid down.	When the additional Fee is paid down.
		Y. M. D.					Y. M.			

F I N I S.

C A P. XL.

An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads of this kingdom; and for other purposes therein mentioned.

Preamble.

WHEREAS the laws for the general regulation of the turnpike roads of this kingdom are very numerous, and in some respects ineffectual: and whereas the good purposes thereby intended might be better effected, if the said laws were entirely repealed, and one law made for carrying such purposes into execution: wherefore, for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all commissioners and trustees appointed, or who shall hereafter be appointed, by any act or acts of parliament for the repair of any turnpike road within that part of Great Britain called England, or any five or more of them, at a general meeting, if they shall think proper, at any or as many gate or gates, bar or bars, as they have erected or shall erect for the receiving of any toll or tolls, or upon any part of the road within their respective jurisdictions, and at such a distance from any turnpike-bar or toll-gate as they respectively shall think requisite and expedient, to order and cause to be built or erected any crane, machine, or engine, which they shall judge proper for the weighing of carts, waggons, or other carriages, for the conveying of any goods or merchandize whatever; and by writing signed by them, or any five or more of them, to order all and every or any such carriage or carriages, which shall pass through any such gate or bar, to be weighed, together with the loading thereof; and for them, or any five or more of them, or for any person or persons empowered by any five or more of them, to receive and take, over and above the toll already granted or hereafter to be granted, the sum of twenty shillings for every hundred weight, which every waggon or four wheeled carriage (not having the sole or bottom of the fellies of the wheels of the breadth of nine inches) together with the loading thereof, shall weigh over and above the weight of sixty hundred; and the like sum of twenty shillings for every hundred weight which every waggon or four wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth or gage of nine inches, together with the loading thereof, shall weigh over and above the weight of six tons; and the like sum of twenty shillings for every hundred weight which every cart or two wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth or gage of nine inches, together with the loading thereof, shall weigh over and above the weight of three tons; which said additional toll or duty, hereby granted and made payable, shall and may be levied and recovered upon any person liable thereto in any of the cases

Five or more trustees for turnpike roads, at a general meeting, empowered to erect weighing engines;

and to make order for weighing carriages thereat; and taking 20s. additional tolls for all narrow four wheeled carriages weighing above 60c. weight.

and for all broad four wheeled carriages weighing above 6 tons; and for all carts, or two wheeled carriages, with broad wheels, weighing above 3 tons;

cases aforesaid, or his or her goods or chattles, who shall, after demand made thereof, refuse or neglect to pay the same, in such manner as any other toll or duty, payable at the same turnpike-gate or bar, is or shall be by law to be levied and recovered; and the money arising from such additional duty, shall be applied to the repair of the turnpike road where the same shall be collected.

to be levied as the other tolls,
and applied in repair of the road.

II. Provided always, That the regulations herein before mentioned shall not extend, or be deemed or construed to extend, to any waggons or wains having the axletrees thereof of such different lengths, that the distance from wheel to wheel of the narrower pair of the said wheels be not more than four feet two inches, to be measured at the ground; and that the distance from wheel to wheel of the other pair thereof be such, that the fore and hind wheels of such waggons and wains shall roll only one single surface or path of sixteen inches wide at the least, on each side of the said waggons or wains, and having the fellies thereof of the breadth of nine inches from side to side at the bottom or sole thereof; but that the same shall pass upon any turnpike road, and through any toll gate or bar within one hundred miles from *London*, upon paying only so much of the tolls and duties as shall not exceed one half of the full toll or duty payable, or by this act intended to be paid, for all waggons or wains having the fellies of the wheels of the breadth or gage of nine inches from side to side, or for the horses or beasts of draught drawing the same, and not rolling a surface of sixteen inches, in the manner herein before set forth.

The above regulations not to extend to waggons, &c. coming within the description here mentioned:

Particular privileges granted to such waggons.

III. Provided also, That the regulations herein before mentioned concerning the wheels of carriages, and their loading, shall not extend or be deemed or construed to extend to any carts, waggons, or other carriages, employed only in husbandry, or carrying only manure for land, hay, straw, fodder, or corn unthreshed.

The said regulations not to extend to carriages employed only in husbandry, &c.

IV. And for the better discovering and detecting the offenders against this act, it is hereby further enacted, That it shall and may be lawful to and for all the trustees appointed or to be appointed by any act or acts of parliament, made or to be made for the repairing or amending any turnpike road within the kingdom, or any two or more of them, and they are hereby authorized and required, by writing under their hands, to order the fellies of all waggons, wains, carts, or other carriages, which are or ought to be of the breadth or gage herein before directed and prescribed, to be measured and gaged at any weighing engine, or at any turnpike or toll-gate, erected or to be erected upon any part of the turnpike road in or upon which such wagon, wain, cart, or carriage respectively, shall travel, pass, or be drawn.

Trustees empowered to order the fellies of all waggons, &c. to be gaged.

V. And be it enacted, That it shall not be lawful for the trustees of any turnpike road to make composition for tolls for or in respect of any wagon, wain, cart, or carriage, or horses or beasts of draught drawing the same, unless such waggons,

No composition to be made in respect of narrow wheeled carriages.

wains, carriages.

wains, carts, and carriages, have the fellies of the wheels thereof of the breadth or gage of nine inches; any law to the contrary thereof notwithstanding.

5 l. penalty on
fraudulently
unloading
goods before
coming to any
gate or
weighing en-
gine,
or laying on
goods after
having passed
the same;

VI. And be it further enacted, That if any person or persons shall unload, or cause to be unladen, any goods, wares, or merchandizes, from any cart, waggon, or other carriage (except such carriages as are herein before excepted) at or before the same shall come to any turnpike gate or weighing engine erected, or to be erected, by virtue or in pursuance of this or any other act made, or to be made, for the repair or preservation of any turnpike road within this kingdom; or shall load or lay upon such carriage (except as aforesaid) after the same shall have passed any such turnpike gate or weighing engine, any goods, wares, or merchandizes, taken or unladen from any horie, cart, or other carriage, belonging to, or hired or borrowed by, the same waggoner or carrier, in order to avoid the payment of the said respective duties of twenty shillings *per* hundred; each and every person so offending, and being thereof lawfully convicted before the trustees of such tolls or duties, or any three or more of them, or one or more justice or justices of the peace for the county, riding, division, or place, where the offence shall be committed, upon the oath of one or more credible witness or witnesses, shall forfeit and pay the sum of five pounds, to be levied upon the goods and chattles of the owners of such cart, waggon, or other carriage; and each and every driver of such waggon or carriage so offending, and being thereof convicted as aforesaid, shall be committed to the house of correction for the space of one month: and in case any collector or receiver of the tolls or duties at any gate or turnpike where, or near to which, any crane, machine, or engine, for weighing of carriages shall be built and erected, shall permit or suffer any cart, waggon, or carriage, as aforesaid, being laden, to pass or repass through any such gate or turnpike without weighing the same, and being thereof convicted in manner aforesaid; such collector or receiver, so offending, shall be immediately discharged, and rendered incapable of holding any office under the said trustees, or shall forfeit the sum of five pounds, at the option of such trustees.

and the driver
to be commit-
ted for one
month.
Collectors
neglecting
their duty are
liable to be
discharged,

or forfeit 5 l.

Regulations
to be observed
in the con-
struction of
the wheels of
waggons, &c.
travelling on
turnpike
roads above
20 miles from
London,

VII. And be it further enacted, That no waggon, wain, or cart, shall pass along any turnpike road, being above twenty miles from the cities of *London* or *Windsor*, having the fellies of the wheels thereof of the breadth or gage of nine inches at the bottom, unless the same shall be made and constructed in such manner, that no pair of such wheels (except such as shall roll a surface of sixteen inches) shall be wider than four feet six inches from inside to inside, to be measured on the ground; and that the distance from the centre of the fore wheel to the centre of the hind wheel of any such waggon, or four wheel carriage (not being used for the carriage of timber only) be not above nine feet, to be measured from the centre of the axle-trees at the ends thereof; on pain of the owner or owners of every such

such waggon, wain, or cart, forfeiting the sum of five pounds on forfeiture for every such offence: and the surveyor or surveyors, gate-keeper or gate-keepers, of any turnpike road, is and are hereby authorized and required, at any turnpike or toll gate, or at any other place upon the turnpike road, to measure every such waggon, wain, or cart; and if any master or driver of any waggon, wain, or cart, shall hinder, or refuse to permit, such surveyor or surveyors, gate-keeper or gate-keepers, to measure such waggon, wain, or cart, as aforesaid, he or she shall forfeit the sum of five pounds; and it shall not be lawful for any such waggon, wain, or cart, not permitted to be measured as aforesaid, to pass along any turnpike road.

VIII. And be it further enacted, That no waggon, wain, or other four wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth or gage of nine inches, shall pass or be drawn on any turnpike road with more than eight horses; nor any cart, or other two wheeled carriage, having wheels of the breadth aforesaid, shall pass or be drawn upon any turnpike road with more than five horses; the horses in such respective carriages to be drawn in pairs, except where there is an odd horse, and except where the number of horses shall not exceed four: and also, that no waggon, wain, or other four wheeled carriage, having the fellies of the wheels of less breadth than nine inches, shall pass or be drawn on any turnpike road with more than four horses; or six oxen or neat cattle in pairs, and two horses; or eight oxen or neat cattle in pairs, and one horse: and that no cart or other two wheeled carriage, having the fellies of the wheels of less breadth than nine inches, shall pass or be drawn on any turnpike road with more than three horses; or six oxen or neat cattle in pairs, and one horse; or four oxen or neat cattle in pairs, and two horses; on pain of the owner of such waggon, wain, cart, or carriage, forfeiting the sum of twenty shillings, and also every horse or other beast of draught above the numbers herein before respectively prescribed and limited, to any person or persons who shall seize or sue for the same; except as herein after mentioned.

IX. And be it further enacted, That if any person or persons shall take off, or cause to be taken off, any horse or horses, or other beast of draught, from any waggon or other carriage, or shall alter, or cause the distance of the wheels thereof to be altered, at or before the same shall come to any of the said gates or turnpikes, with intent to avoid any toll, forfeiture, or penalty, for drawing with a greater number of horses or beasts of draught, or in any other manner than hereby allowed; each and every person so offending, and being convicted thereof before the said trustees, or any three or more of them, or one or more justice or justices of the peace for the county, riding, division, or place, where the offence shall be committed, upon the oath of one or more credible witness or witnesses, shall forfeit and pay the sum of five pounds.

X. And

Driver traveling with more horses the same day than he shall have passed through any gate with, deemed guilty of a fraud.

Where it shall be judged necessary, the trustees may allow waggons with broad wheels to be drawn up hills by 20 horses; and narrow wheeled carriages by 6;

the length and extent of the hills to be specified in the order of allowance, and certified to the general quarter sessions. Order, if by them approved of, is to be confirmed, and filed;

otherwise to be vacated.

Particular exemption with respect to carriages drawing with an extraordinary number of horses thro' deep snow, or ice.

X. And be it further enacted and declared, That every person who shall drive any waggon or other carriage upon any turnpike road, with more horses or beasts of draught than such waggon or other carriage shall, on the same day, have passed with through any turnpike bar or gate, shall be deemed and adjudged to have taken off the said horses or beasts of draught with intent to avoid paying the toll or duty.

XI. Provided always, and be it further enacted, That if it shall appear to the trustees of any turnpike road within this kingdom, or any nine of them, at any of their public meetings, that it is impracticable for any waggon or other four wheeled carriage, with the weights to the same respectively allowed as aforesaid, to be drawn up any hill or hills, lying in or upon such turnpike road, by the number of horses herein before respectively allowed, without manifest inconvenience and hazard; in such case it shall and may be lawful to and for the said trustees, or any nine of them, to allow such number of horses as they shall judge necessary, not exceeding ten for such nine inch wheels, and not exceeding six for such wheels of less breadth than nine inches, to be used in such waggon or four wheeled carriage for the purpose only of drawing the same up such hill or hills as aforesaid; the length and extent of such hill or hills to be specified in such order of allowance, and the termination at each end thereof to be marked by a post or stone to be erected at such respective boundaries; and the said order of allowance shall be certified, by the said trustees or their clerk, to the next general quarter sessions of the peace of the county, riding, division, city, corporation, precinct, or liberty, within which such hill or hills shall respectively be situated; and if the facts, upon which the same is founded, shall, at the said quarter sessions, be proved upon the oath of two credible witnesses, to the satisfaction of the justices on the bench, or the major part of them, the said order of allowance shall be confirmed, and filed among the records of the sessions by the clerk of the peace, or otherwise shall be vacated and quashed; and from and after such confirmation and filing, no person shall be liable to any penalty or forfeiture for using such number of horses, as shall be so allowed, in drawing any waggon or other four wheeled carriage up such hill or hills respectively.

XII. Provided also, and be it further enacted, That if it shall appear upon the oaths of credible witnesses, to the satisfaction of any justice or justices of the peace, commissioners or trustees, or of any court of justice authorized to enforce the execution of this act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn with the respective weights, and by the number of horses or beasts of draught, hereby respectively allowed; then, and in every such case, it shall and may be lawful for such justice or justices of peace, commissioners, trustees, or court respectively, and they are hereby respectively required, to stop all proceedings before them respectively for the recovery of any penalty or forfeiture which may have been incurred by drawing

ing a greater number of horses or beasts of draught than are hereby allowed; any thing herein contained to the contrary notwithstanding.

XIII. *And whereas great damage is done to turnpike roads by waggons and four wheeled carriages, with narrow wheels, drawn by horses in pairs;* for remedy thereof, be it enacted, That it shall not be lawful for any waggon or four wheeled carriage, having the sole or bottom of the fellies of the wheels thereof of less breadth or gage than nine inches, to pass upon any turnpike road, or through any turnpike gate or bar, if the same be drawn by horses in pairs (other than and except waggons and four wheeled carriages laden with fish, rabbits, poultry, calves alive or slaughtered, or lambs only.)

XIV. Provided always, and be it further enacted, That no waggon, cart, or other carriage, travelling upon any of the said turnpike roads, shall be driven or turned out of the same into any of the roads adjacent, not being turnpike roads, in order to avoid, and thereby avoiding, paying the tolls and duties by this or any other act or acts made, or to be made, payable at any gate or turnpike erected, or to be erected, for the collecting and receiving the same; upon pain of forfeiting and losing any one of the horses drawing the same, not being the thill or shaft horse, with all his gears and accoutrements, to the sole use and benefit of any person or persons who shall seize and distrain the same.

XV. And be it further enacted by the authority aforesaid, That if any toll-gatherer or gate-keeper shall permit or suffer any waggon, wain, cart, or other carriage, to be drawn or pass upon any turnpike road within the view, or with the knowledge, of such gate-keeper or toll-gatherer, or to pass through any toll gate or bar, with any greater number of horses, oxen, or neat cattle, or with any carriage constructed or drawn in any other manner than is before directed, and shall not, within the space of one week, proceed for the recovery of the forfeiture or penalty hereby inflicted for every such offence, in the manner directed or authorized by this act; he shall forfeit and pay, for every such neglect, the sum of forty shillings.

XVI. And be it further enacted, That in case any person or persons shall, upon any turnpike road, drive, or act as the driver or drivers of, any waggon, cart, wain, or carriage, having wheels of a construction not authorized by this act, or drawn by more than the number of horses, oxen, or neat cattle, hereby respectively appointed; that then, and in every such case, it shall and may be lawful to and for any constable, tythingman, surveyor, or any other person, to apprehend and take, or cause to be apprehended and taken, such person or persons so driving, or acting as driver or drivers, as aforesaid, before one or more justice or justices of the peace for the county, riding, division, or place, where the said offence shall be committed; and upon conviction thereof, either by confession of the party, or by the oath of one or more credible witness or witnesses, before such justice or justice

Narrow wheeled waggons not to be drawn by horses in pairs.

No waggon, &c. to be fraudulently turned out of a turnpike road, to avoid the tolls,

on forfeiture of one of the horses.

Collector, &c. being privy to any of the within offences, and not duly prosecuting for the penalty,

forfeits 40s.

Driver of any waggon with wheels not duly constructed, or drawn by more horses than authorized, may be apprehended by any person, and taken before a justice; and on conviction forfeits 5l.

tices of the peace, every such person or persons so offending shall respectively forfeit and pay, for every such offence, the sum of five pounds.

Drag irons to be flat at the sole, and of the breadth of the fellies,

on forfeiture of 40 s.

Owner's real name and place of abode to be painted on the most conspicuous part of each waggon and cart;

also the words *Common Stage Waggon* or *Cart*, as the case may be:

Travelling with a fictitious name thereon, forfeits 5l.

and without the words required, 40s.

On such roads where extraordinary tolls have been granted, designedly to

XVII. Provided always, and be it further enacted, That where any drag iron, or other instrument, shall be affixed under the sole of the wheel or wheels of any waggon or other carriage, to make the passage of such waggon or carriage more easy and secure down steep hills; every such drag iron, or other instrument, shall be flat at the bottom or sole thereof, and shall not be of less breadth than the fellies of the wheels under which the same shall be so affixed, on pain of the owner of every such waggon or other carriage forfeiting the sum of forty shillings for every such offence.

XVIII. And be it further enacted, That every owner or owners of any waggon, wain, cart, or carriage, shall paint, or cause to be painted, in large and legible characters, upon the tilts of every such waggon, wain, cart, or carriage, which has a tilt, and upon the most conspicuous part of such waggon, wain, cart, or carriage, which has not a tilt, before he, she, or they, shall use or drive the same upon any turnpike road, his, her, or their christian and surname or names, and the place of his, her, or their abode; and every owner or owners of every common stage waggon or cart shall, over and above his, her, or their christian and surname or names, paint, or cause to be painted, on the part, and in manner, as aforesaid, the following words, COMMON STAGE WAGGON, or CART, as the case may be: and if any owner or owners of any such waggon, wain, cart, or carriage, shall travel with, or use, by himself, herself, or themselves, servant or servants, any such waggon, wain, cart, or carriage, without having his, her, or their christian name, and surname or names, and place of abode, so painted thereon; or if any person or persons shall paint, or cause to be painted, any false or fictitious name on such waggon, wain, cart, or carriage; he, she, or they, shall forfeit the sum of five pounds: and if any owner or owners of any common stage waggon or cart shall travel with, or use, the same, by himself, herself, or themselves, servant or servants, without having the words hereby required to be painted thereon respectively; he, she, or they, shall forfeit the sum of forty shillings.

XIX. *And whereas in and by several acts of parliament, made and passed for amending and repairing particular turnpike roads within this kingdom, several high and extraordinary tolls are granted and directed to be levied and paid for waggons, carts, and other carriages, drawn by more than a certain number of horses or beasts of draught therein respectively mentioned, with an intent in effect to prohibit the passage of such carriages, and thereby the better to preserve the said roads; now it is hereby further enacted, That it shall and may be lawful to and for the trustees appointed, or to be appointed, in or by virtue of any act of parliament made, or to be made, for repairing and amending such particular roads as aforesaid, or any five or more of such trustees respectively, within their*

their respective districts, and they are hereby authorized and required, at the first meeting after the commencement of this act, to mitigate, lessen, and reduce, the said high and extraordinary tolls and duties, for and in respect of such waggons or other wheel carriages only having wheels of the breadth or gage of nine inches as aforesaid, in such manner as no greater toll or duty, in respect to waggons, be demanded or taken for the same than is provided and directed, by the said acts respectively, to be paid and taken for waggons and other four wheel carriages drawn by four horses or beasts of draught; and that no greater toll or duty be demanded or taken for carts, having the fellies of their wheels of the breadth or gage of nine inches, than is provided and directed, by the said acts respectively, to be taken for carts drawn by three horses; and the said trustees within their respective districts, or any five or more of them respectively, are hereby authorized and required to give directions in writing to the several collectors within such their respective districts, to take and receive such tolls and duties, and no other; any law or statute to the contrary notwithstanding.

XX. And be it further enacted by the authority aforesaid, That the trustees appointed or to be appointed, by virtue or under the authority of any act of parliament made, or to be made, for making, repairing, or amending turnpike roads, or such person or persons as are or shall be authorized by them, shall and may, and are hereby required to demand and take for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or gage than nine inches from side to side at the least, at the bottom or sole thereof, and for the horses or beasts of draught drawing the same, one half more than the tolls or duties which are or shall be payable for the same respectively by any act or acts of parliament, made or to be made, for making, amending, or repairing turnpike roads, before any such waggon, wain, cart, or carriage respectively, shall be permitted to pass through any turnpike gate or gates, bar or bars, where tolls shall be payable by virtue of any such acts.

XXI. Provided always, and be it enacted, That it shall and may be lawful to and for any cart or carriage drawn by two horses or four oxen, and no more, having the fellies of the wheels thereof of the breadth or gage of six inches at the bottom from side to side, to pass upon any turnpike road, and through any turnpike gate or bar, paying the tolls or duties required to be paid by any of the said acts respectively.

XXII. And whereas there are, or hereafter may be, in several acts of parliament for making, amending, and repairing turnpike roads, exemptions allowed from payment of tolls in particular cases therein respectively mentioned; and liberties are or may be allowed, in particular cases, to pay less tolls than are charged upon other waggons, wains, carts, and carriages, passing through turnpike gates or bars: and whereas it will tend to the advantage and preservation of turnpike roads, to confine such exemptions, liberties, privileges, and advantages, to carriages with wheels of the breadth or gage of nine

Exemptions and privileges granted in particular cases with respect to tolls, restrained for the future to broad wheeled carriages; carts, &c. with 6 inch fellies, drawn by 2 horses, &c. excepted; and such carriages as shall be employed in husbandry only; in all other cases the ordinary tolls granted by those acts, with the additional ones hereby granted, are to be paid.

Carriages which do not come within the intention of this act.

Persons fraudulently taking the benefit of any exemption, forfeit not exceeding 5l. nor less than 40s.

inches as aforesaid, except as herein after excepted: be it therefore enacted, That no person shall, by virtue of the said acts of parliament, have, claim, or take, the benefit or advantage of any exemption from toll, or part of tolls, or to pay less toll, for or in respect of any waggon, wain, cart, or other carriage, or horse drawing the same, and carrying any particular kind of goods, than other carriages of the like nature carrying other goods ought to pay; unless such waggon, wain, cart, or other carriage, have the sole or bottom of the fellies of the wheels thereof of the breadth or gage of nine inches as aforesaid; other than and except carts and carriages drawn by two horses or four oxen, and no more, having the sole or bottom of the fellies of the wheels thereof of the breadth or gage of six inches as aforesaid; and other than and except carts and carriages employed in carrying corn or grain in the straw, hay, fodder, dung, lime for the improvement of land, or other manure, or any implements of husbandry only; but that the toll required by the said acts respectively, together with the additional tolls hereby directed to be taken, for or in respect of every such waggon, wain, cart, or other carriage, having the sole or bottom of the fellies of the wheels thereof of less breadth or gage than nine inches as aforesaid, and for and in respect of horses, or beasts of draught, drawing the same (except as before excepted) shall be paid in the same manner to all intents and purposes, as if no exemption or less toll had been enacted or allowed by any of the said acts respectively, and as fully as all other waggons, wains, carts, and carriages, and horses drawing the same, ought respectively to pay which are not intitled to any exemption from toll, in the whole or part, or to pay a less toll than other waggons, wains, carts, and carriages; any law or statute to the contrary notwithstanding.

XXIII. Provided always, That nothing in this act shall extend, or be construed to extend, to any chaise marine, coach, landau, Berlin, chariot, chaise, calash, or hearse; or to any caravan, or covered carriage, of any nobleman or gentleman for his private use; or to such ammunition or artillery as shall be for his Majesty's service; or to any cart or carriage drawn by one horse, or two oxen, and no more; or to any carriage, having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, which shall be laden with one stone, block of marble, one piece of metal, or one piece of timber.

XXIV. Provided also, and be it enacted, That if any person or persons shall take the benefit of any exemptions under, or by virtue of, this or any other act made, or hereafter to be made, for the repair of any turnpike road, in any fraudulent or collusive manner whatsoever; such person or persons shall forfeit, for every such offence, a sum not exceeding five pounds, nor less than forty shillings, at the discretion of the justice or justices before whom such offender shall be convicted.

XXV. *And whereas in and by several acts of parliament made and passed for amending and repairing particular turnpike roads*

within

within this kingdom, there is no power given to the trustees to lessen the tolls, although such turnpike roads may be sufficiently, or in a great degree, amended and repaired; and all, or the greatest part, of the money borrowed upon the credit of any such acts have been paid and discharged; be it therefore further enacted, That it shall and may be lawful to and for the trustees appointed in and by virtue of any act of parliament, now in force, for repairing and amending such particular roads as aforesaid, or any thirteen or more of such trustees respectively, and they are hereby impowered in any of the cases aforesaid, at a meeting to be held for that purpose, of which one calendar month's notice shall be given in writing, to be affixed on all the turnpike gates which shall be then erected upon such respective roads, from time to time, to lessen or reduce all or any of the tolls granted by any of the said respective acts, for and during such time as the said trustees, or any thirteen or more of them, shall think proper; and afterwards at any meeting to be held as aforesaid, from time to time, if they shall see occasion, to advance all or any of the tolls, so lessened, to any sum or sums of money, not exceeding the several rates granted by such acts of parliament respectively.

Where the roads shall be sufficiently repaired, or nearly so; and the money borrowed paid, or nearly discharged; the tolls may be reduced, and occasionally raised again;

XXVI. Provided nevertheless, That where the whole money borrowed on the credit of the tolls granted by any such act shall not have been paid and discharged, no such tolls shall be lessened or reduced without the consent of the person or persons intitled to five sixths of the money remaining due upon such respective tolls.

but no such reduction is to take place, where money is due, unless with consent of the mortgagees.

XXVII. And be it further enacted, That where there are two or more turnpike roads under several acts of parliament, within the same parish, township, or place, and the statute duty directed by all such acts to be taken or applied, for the repair of such turnpike roads within such parish, township, or place, shall exceed three days duty in the whole; then, and in such case, it shall and may be lawful for two or more justices of the peace of the county, riding, division, or place, where such turnpike roads shall be, and they are hereby required, at some special sessions, to adjust and proportion such statute duty, betwixt such turnpike roads and the other highways in such parish, township, or place, in such manner as they shall think fit; having regard to the extent and condition of the said several roads and highways, and also to the tolls and revenues arising from such turnpike roads respectively (the said justices previously summoning the clerks and surveyors of such turnpike roads, and likewise the surveyors of the highways for such parish, township, or place, who are hereby respectively required to attend the justices upon such summons.)

Where there are two or more turnpike roads under several acts within the same parish, &c. and the statute duty exceeds 3 days, the justices are to apportion the statute duty between them.

XXVIII. And be it further enacted, That if any surveyor or surveyors, or other person or persons having the care of any turnpike road, shall suffer to be or remain, for the space of forty eight hours, in any part thereof within twelve feet on either side of the middle of such road, any post or posts, heap or heaps of stones, rubbish, or earth, set up or raised in or above the surface of the

40s. penalty on surveyors suffering any obstruction to remain on the roads.

said road, by which the passage thereof shall or may be obstructed, impeded, confined, or straitened (other than and except posts, blocks, stonies, or banks of earth, fixed in the ground, or raised, for securing horse or foot roads, and also direction posts and stones) such surveyor or other person shall forfeit and pay the sum of forty shillings, to be recovered before one justice of the peace.

XXIX. *And whereas inconveniencies have arisen from making hedges, or other fences, and from ploughing or breaking up the soil of lands or grounds near the middle or centre of turnpike roads; for remedy thereof be it further enacted, That if any person shall make, or cause to be made, any hedge, ditch, or other fence, on any turnpike road not inclosed on both sides, within the distance of thirty feet from the middle or centre thereof; or shall plough, harrow, or break up, the soil of any land or ground; or, in ploughing or harrowing the adjacent lands, shall turn his or their plough or harrow in or upon any land or ground within the distance of fifteen feet from the middle or centre of any turnpike road, made, or to be made, within this kingdom; every person so offending shall forfeit, for every such offence, forty shillings, to such person as shall make information of the same; and it shall be lawful for the trustees who have the care of any such road, or any five or more of them, to cause such hedge, ditch, or fence, to be taken down or filled up at the expence of the person or persons to whom the same shall belong: and it shall and may be lawful for any one or more justice or justices of the peace of the county, riding, division, or place, where such offence shall be committed, upon proof thereof to him or them made upon oath, to levy as well the expences of taking down such hedges as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattles, rendering the overplus to the owner on demand.*

XXX. *And, for the better convenience of travellers, where several highways meet, be it further enacted, That the commissioners or trustees appointed, or to be appointed, to execute any act of parliament made, or to be made, for the repair of any turnpike road, shall direct the surveyor of every such turnpike road where several highways meet, and there is no sufficient direction post or stone already fixed or erected, forthwith to erect, or cause to be erected, or fixed, in the most convenient place where such ways meet, a stone or post, with an inscription thereon in large letters, containing the name of, and distance from, the next market town or towns, or other considerable place or places, to which the said highways respectively lead; and also, at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part of the same; and likewise such direction posts or stones as the said commissioners or trustees shall judge to be necessary, for the guiding of travellers in the best and safest tract through the said floods or*

waters;

40 s. penalty on persons making ditches, &c. on any turnpike road, not inclosed on both sides, within 30 feet, of the centre.

or turning their plough or harrow within 15 feet thereof: such ditches, &c. may be taken down, or filled up, at the expence of the owner; and be levied, together with the penalties, by distress and sale.

Direction posts to be set up where several highways meet;

and where the highways are subject to deep or dangerous floods; and for guiding travellers in the safest tract.

waters; and also shall order the said surveyor to erect mile-stones upon such turnpike road, with proper inscriptions and figures thereupon, denoting the names and distances from the principal towns or places on each respective road; and the said surveyor or surveyors shall be reimbursed the expences of providing and erecting the same respectively, out of the tolls and duties granted by such acts respectively: and in case any surveyor or surveyors shall, by the space of three months after such direction to him or them given, neglect or refuse to cause any such stone or post to be fixed as aforesaid; every such offender shall forfeit the sum of twenty shillings.

Mile-stones also to be set up;

the expences to be defrayed out of the tolls.

Surveyors neglecting their duty herein, forfeit 20s.

XXXI. *And whereas in some places it hath been, and may be, found necessary to secure horse and foot causeways, in public highways, by posts, blocks, or great stones, fixed in the ground, or by banks of earth cast up, or otherwise, from being broken and spoiled with waggons, wains, carts, or carriages: and forasmuch as several evil-disposed persons may wilfully or maliciously pull up, cut down, and remove, the said posts, blocks, and great stones, so fixed as aforesaid, and also dig and cast down the said banks, which are the security and defence of the said causeways, whereby they are often ruined and destroyed; and such evil-disposed persons may break, damage, or throw down, the stones, bricks, or wood, fixed upon the parapets or battlements of bridges, and may pull down, destroy, obliterate, or deface, any milestone or post graduated, or direction-post or stone, erected, or to be erected, upon any turnpike road for the purposes aforesaid: for prevention thereof, be it enacted, That every person who shall be guilty of any such offence shall, upon complaint thereof made to any justice of the peace of the county, division, or place, where the same shall be proved to be done, by the oath of any one credible witness, or upon view of the justice himself, forfeit, for every of the said offences, any sum not exceeding five pounds, nor less than ten shillings; or be committed to the house of correction of such county, division, or place, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days, at the discretion of such justice.*

Penalty not exceeding 5l. but not less than 10s. on pulling up or destroying posts or banks to be set up on the sides of the roads, for security thereof, or the parapets of bridges; or defacing mile-stones, or direction posts;

or the offender may be committed, and kept to hard labour, and whipt.

XXXII. *And, to prevent the malicious destroying of any turnpike gate or houses which have been, or shall hereafter be, erected, be it further enacted, That if any person or persons whatsoever shall, either by day or night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy, any turnpike gate, or turnpike gates, or any post or posts, rail or rails, wall or walls, or any chain, bar, or other fence or fences, belonging to any turnpike gate or turnpike gates, or any other chain, bar, or fence, of any kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent passengers from passing by without paying any toll laid and directed to be paid by any act or acts of parliament already made, or hereafter to be made, for that purpose; or any house or houses erected, or to be erected, for the use of any such turnpike gate or turnpike gates; or any crane, machine, or engine, made or erected, or to be made or*

Penalty of destroying, &c. any toll gate, or bar,

toll house, or weighing engine,

erected, on any turnpike road, by authority of parliament, for weighing waggons, carts, or carriages; or shall forcibly rescue any person or persons, being lawfully in custody of any officer or other person for any of the offences before mentioned; that then, and in any of the said cases, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy: and any indictment for such offences shall and may be inquired of, examined, tried, and determined, in any adjacent county within that part of *Great Britain* called *England*, in such manner and form as if the facts had been therein committed.

XXXIII. And be it further enacted, That the inhabitants of every hundred within that part of *Great Britain* called *England*, within which such offence or offences shall be committed, by pulling down and destroying any such turnpike gate or gates, or any such post or posts, rail or rails, wall or walls, belonging to any turnpike gate or gates; or any such chain, bar, or fences; or any house or houses set up or erected, or to be set up or erected, for the use or service of collecting the tolls; or any crane, machine, or engine, made or erected, or to be made or erected, on any turnpike road, by authority of parliament, for weighing waggons, carts, or carriages, at any place appointed by the respective trustees or commissioners, or any five or more of them, acting under any act or acts of parliament for amending any turnpike road, shall make full satisfaction for the damages that shall be thereby suffered; and that the said damages shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, by and in the name of the clerk of the peace of the county for the time being wherein such offence or offences shall be committed, without naming the christian name or surname of the clerk of the peace; and such action shall not be abated or discontinued by the death or removal of any such clerk, but may be sued and prosecuted by his successor; and the said damages so to be recovered shall be to the only use and behoof of the trustees or commissioners of such turnpike where the offence shall have been committed, to be by them applied and disposed of to the several uses and purposes, in such manner as the several tolls, rates, and duties, by virtue of such act or acts of parliament, shall be applied and disposed of: and all and every the inhabitants of such hundred shall be rateably and proportionably taxed for and toward an equal contribution for the relief of such inhabitant or inhabitants, against whom execution for such damages shall be had and levied; which tax shall be levied and raised by such means, and in such manner and form, as is prescribed and mentioned for the levying and raising the damages recovered against inhabitants of hundreds in case of robberies, by any act or acts of parliament: provided, That upon conviction of any such offender, within twelve months after the offence committed, any hundred, or inhabitants thereof, liable to make, and having made, such satisfaction, shall be repaid the sums they have so

or rescuing offenders;

is felony, without benefit of clergy.

Inhabitants of the hundred, wherein any of the said offences shall be committed,

are to make full satisfaction for the damages,

to the use of the trustees of the turnpike; to be applied as the tolls:

inhabitants to be rateably taxed thereto;

but upon conviction of the offender, the hundred is to be repaid out of the tolls.

paid, out of the tolls of the turnpike where such offence was committed.

XXXIV. *And whereas great mischiefs have arisen from mean persons acting as trustees in the execution of such acts of parliament made for repairing public roads in that part of Great Britain called England, as do not direct and require that the trustees thereby appointed shall be qualified to act as such by the possession of real or personal estates to a certain value; be it therefore enacted, That no person shall be qualified or capable of acting as a trustee in the execution of any such act as aforesaid, unless he shall be, in his own right, or in the right of his wife, in the actual possession, or receipt, of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of forty pounds; or possessed of, or intitled to, personal estate to the value of eight hundred pounds; or shall be heir apparent of a person possessed of an estate in land of the clear yearly value of eighty pounds; and unless he hath taken, or shall (not being such heir apparent as aforesaid) before he acts as such trustee, take and subscribe the oath following, before any two or more of the trustees appointed, or to be appointed, by or in pursuance of such act, who are hereby authorized and impowered to administer the same, in the words, or to the effect, following; that is to say,*

General qualification of trustees.
to be verified upon oath.

I A. B. *do swear, That I truly and bona fide am, in my own right, or in the right of my wife, in the actual possession and enjoyment, or receipt, of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of (forty pounds) or possessed of, or intitled to, a personal estate, to the value of (eight hundred pounds, as the case may be)*

The oath.

So help me G O D.

And if any person shall presume to act contrary to the true intent and meaning hereof, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds to any person who shall sue for the same; to be recovered in any of his Majesty's courts of record by action of debt, or on the case, or by bill, suit, or information; wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and such person so sued or prosecuted shall prove that he is qualified as above, or otherwise shall pay the said sum of fifty pounds, without any other proof or evidence on the part of the plaintiff or prosecutor, than that such person hath acted as a commissioner in the execution of any such act.

50l. penalty on persons, not duly qualified, presuming to act.

XXXV. *And be it further enacted, That all clerks, treasurers, surveyors, and other officers appointed, or to be appointed, by any act or acts made or to be made for the repair of any turnpike roads, and their respective executors or administrators, shall, within ten days after notice, in writing, to them respectively given by the commissioners or trustees of such roads, or any five or more of them, at a meeting held pursuant to such act, produce and deliver up to such trustees, all books, accounts, papers, or writings*

Officers to deliver up to trustees all books and papers in their custody, &c. relating to the execution of their office.

on forfeiture
of soil.

Persons dis-
qualified from
acting as tru-
stees, or hold-
ing any office
under the
trust,

or farming the
tolls.

Nuisances on
the road may
be prosecuted
at the expence
of the reve-
nues of the
turnpike,

Prosecutions
restrained,
unless upon
offender's
confession, or
proof by
witness.

Fraudulent
and colourable
prosecutions
and seizures,
set up to fa-
vour offend-
ers, to be en-
quired into
and set aside.

writings whatsoever, relative to the execution of such respective offices, which shall be in their custody or power; and every such officer or person as aforesaid neglecting or refusing to produce and deliver up such books, accounts, papers, or writings, after such notice as aforesaid, shall, for every such neglect or refusal respectively, forfeit the sum of twenty pounds.

XXXVI. And it is hereby further enacted, That no person or persons who shall keep any victualling-house, ale-house, or other house of public entertainment, or who shall sell any wine, cyder, beer, ale, spirituous or other strong liquors, by retail, shall be capable of acting as a trustee, or of taking, holding, or enjoying, any place or places of trust or profit under the trustees of any act of parliament made, or to be made, for erecting turnpikes respectively, or of farming the tolls thereby granted and made payable, during such time as he shall keep such victualling-house, ale-house, or other house of public entertainment, or shall sell any wine, beer, cyder, ale, spirituous or other strong liquors, by retail.

XXXVII. *And whereas the trustees of several turnpike roads are not sufficiently impowered to punish nuisances in the several roads under their care;* be it therefore further enacted, That the said trustees of the several roads respectively, or any five or more of them, at a general meeting, may, and they are hereby impowered, if they shall think fit, to direct prosecutions by indictment against the offender or offenders for any nuisance done, committed, or continued, in or upon any of the turnpike roads under their care respectively, at the expence of the revenues belonging to such turnpike roads, to be allowed by such trustees, or any five or more of them, at some subsequent general meeting: provided that nothing in this act shall be construed to impower the trustees to prosecute, or cause to be prosecuted, any person for any such offence, unless upon the confession of the offender, or that one or more witness or witnesses can be had and produced to prove the commission of such offence.

XXXVIII. *And whereas fraudulent contrivances may be practised by offenders, their friends, and others, to evade the just recovery of forfeitures and penalties inflicted by the laws relating to turnpike roads, by setting up colourable prosecutions and seizures, with intent to favour offenders against the said laws, and to discourage just and real prosecutions;* for remedy thereof, be it enacted, That it shall and may be lawful for all and every justice and justices of the peace before whom there shall be any information or proceeding for any penalty or forfeiture inflicted by this or any act or acts of parliament made, or to be made, for repairing and amending turnpike roads; and they are hereby required, where any prior seizure, information, or conviction, shall be set up or insisted upon, by way of defence, or to defeat any information or proceeding, or any seizure for any forfeiture or penalty inflicted as aforesaid, to examine into the real merits of such prior seizure, information, proceeding, or conviction; and if thereupon it shall appear that the same was not done, made, or prosecuted effectually,

effectually, to recover and apply the penalty or forfeiture for the true and real ends and purposes for which such penalties or forfeitures were enacted, but to favour the offender, such prior seizure, information, or conviction, shall be deemed to be fraudulent, and null and void, to all intents and purposes whatsoever; and every such justice or justices of the peace shall proceed to determine and convict, as if no prior seizure, information, or conviction, had been made, prosecuted, or obtained.

XXXIX. And be it further enacted, That where a sufficient number of the trustees appointed, or to be appointed, by any act or acts of parliament made, or to be made, for making, amending, or repairing, any particular turnpike roads, shall not meet on the day appointed, or to be appointed, by any such act or acts respectively, for their first meeting; or shall not meet on the day appointed, or to be appointed, by adjournment, or any subsequent meeting, or for want of a proper adjournment; by which means, or by some, or one of them, the intent of the said act or acts may be frustrated; in all or either of the said cases, it shall be lawful for so many of the said trustees as shall meet, or the major part of them, or, in case no such trustee shall be present, for their clerk or clerks, to cause notice in writing to be affixed on all turnpikes that shall be then erected on the said respective roads, or, if no turnpikes shall be then erected, to cause the like notice to be affixed in the most conspicuous place in one of the principal towns or places nearest to which the roads directed to be repaired do lie, at least ten days before the intended meeting; appointing such trustees to meet at such place where the preceding meeting was appointed to have been held, or at the place directed for the first meeting of such trustees, if no such preceding meeting shall have been held; and the said trustees, when met in pursuance of such notice, shall and may, and they are hereby required, to proceed and carry such act or acts into execution, in the same and as ample and full a manner, to all intents and purposes, as they might or could have done if no such neglect had happened.

XL. Provided nevertheless, and be it further enacted, That no meeting of such trustees shall at any time be adjourned for any longer time than three months from the day on which such adjournment shall be made; and that no business shall be done or proceeded upon by the trustees, at any meeting to be held under this or any act or acts of parliament, made or to be made, for making or repairing any turnpike roads, before the hour of ten in the forenoon; and that no adjournment shall be made to any hour later than two in the afternoon of the day on which such meeting shall be appointed to be held; and that every act agreed upon at any meeting, shall be signed at the said meeting by a competent number of trustees, or otherwise, every such meeting, adjournment, and act respectively, shall be void and of none effect.

XLI. And be it enacted, That if the commissioners and trustees appointed, or to be appointed, to put any act of parliament, Trustees abusing or exceeding their power

Where a sufficient number of trustees to act, shall not meet on the day appointed for their first, or any subsequent meeting, or for want of adjournment; the trustees met, or their clerk, may appoint another meeting; giving publick notice thereof;

and the trustees met in consequence thereof, may proceed to carry such acts into execution.

No adjournment to be for a longer time than 3 months; nor proceedings to be had before 10 in the morning; nor adjournment to be made to a later hour than 2 in the afternoon.

er, in any of the instances here mentioned,

the general quarter sessions may determine any complaint made thereof in a summary way; and the sheriff is to execute their order.

Mortgagee taking possession of any toll-gate, to account upon oath for the monies received, and expended;

on forfeiture of 10l. for every refusal, or neglect;

to be applied to the use of the road:

And keeping possession, or receiving the tolls, after his debt, interest, and costs are paid, is to forfeit double the sums so received,

made or to be made for the repair of any turnpike road, into execution, shall abuse or exceed their power, by erecting or causing to be erected, or continuing or causing to be continued, any gate or gates, turnpike or turnpikes, where they have not any power, by virtue of any act of parliament, to erect such gate or gates, turnpike or turnpikes; it shall and may be lawful to and for the justices of the peace of the county, riding, division, or place, where any such gate or gates, turnpike or turnpikes, is or shall be erected or continued, in their general quarter sessions assembled, upon complaint of such abuse or excess of power in such commissioners and trustees, in a summary way to hear and determine the same; and thereupon to order the sheriff of the county, who is hereby authorized and required to execute such order, to remove any such gate or gates, turnpike or turnpikes.

XLII. And be it enacted, That all and every mortgagee and mortgagees that hath or have taken or been in possession, or shall hereafter take and be in possession, of any toll-gate or bar, set up or erected on any turnpike road, shall, within fourteen days after he, she, or they, shall have received notice in writing from the trustees, or commissioners of such turnpike roads, or any five of them, render upon oath, to be administered and taken by and before one justice of the peace, or any one trustee or commissioner of such turnpike road, an exact account in writing, to such trustees or commissioners, or to any person appointed by them, or any five of them, to be named in such notice, of all monies received by such mortgagee or mortgagees, or by any other person or persons, for his, her, or their use and benefit, or by his, her, or their authority, at such toll-gate or bar, and of what he, she, or they, have expended in keeping the same; and in case he, she, or they, shall neglect to render such account, when required in the manner herein directed, he, she, or they, shall severally forfeit and pay to the said trustees or commissioners, for every refusal, neglect, or omission, to render such account, the sum of ten pounds; to be recovered by the said trustees or commissioners, or any five or more of them, or by the treasurer or clerk to the said trustees or commissioners, in a summary manner, before one justice of the peace; which, when recovered, shall be applied to the use of the respective road or roads whereon such toll-gate or bar shall be placed.

XLIII. And be it further enacted, That if any such mortgagee or mortgagees shall keep possession of any toll-gate or bar, by him, her, or themselves, or by any other person or persons on his, her, or their behalf, and receive the tolls or duties thereat, after such mortgagee or mortgagees shall have received the full sum or sums of money due on their respective mortgage or mortgages, and the interest thereof, with costs; such mortgagee or mortgagees shall forfeit and pay, as a penalty, to the said trustees or commissioners, double the sum or sums of money he, she, or they, shall have received over and above the sum or sums of money due as aforesaid, with treble costs of suit; to be recovered

recovered by the said trustees or commissioners, or by the treasurer or clerk to such trustees or commissioners, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; which, when recovered, shall be applied to the use of the respective road or roads on which such toll-gate or bar shall be placed.

XLIV. Provided always, and be it further enacted, That it shall and may be lawful for any two or more trustees or commissioners of any turnpike road, upon the death of any toll-gatherer or gate-keeper, appointed or to be appointed to collect the tolls upon such turnpike road, to nominate and appoint some other fit person in his place, until the next meeting of the trustees or commissioners of such road; which person, so to be nominated and appointed, shall have the like power and authority, and be accountable in the same manner, in all respects, as the person so dying had, or would have been, if living: and that if any toll-gatherer or gate-keeper, who shall be discharged from his office by the trustees or commissioners authorized for that purpose, shall refuse to deliver up the possession of the house, buildings, and appurtenances, which he enjoyed in right of his appointment to that office, within two days after notice of his discharge shall be given to him, or left at his house; or if the wife or family of any such toll-gatherer or gate-keeper who shall die as aforesaid, shall refuse to deliver up the possession of such house, buildings, and appurtenances, within four days after such new appointment shall be made as aforesaid; then, and in either of the said cases, it shall and may be lawful for any justice of the peace for the county, division, or place, where such turnpike-house shall be, by warrant under his hand and seal, to order the constable or other peace officer, with such assistance as shall be necessary, to enter such house and premises in the day-time, and to remove the persons who shall be found therein, together with their goods, out of such house, and to put the new appointed officer into the possession thereof.

XLV. And be it further enacted, That the gate-keeper or toll-gatherer of every such toll-gate or bar, and every surveyor of any turnpike road, shall, when required, by notice in writing from the said trustees or commissioners, or any five or more of them, render upon oath, to be administered by, and taken before, any one justice of the peace, trustee, or commissioner of such turnpike road, a true and exact account in writing, to the said trustees or commissioners, or to any person to be named in such notice appointed by them, or any five or more of them, of all monies received by him, her, or them, at such toll-gate or bar, or otherwise on account of such turnpike road, not before accounted for, under the penalty of five pounds for every such offence or neglect; to be recovered in a summary manner before any one justice of the peace, and applied to the use of the respective road on which such toll-gate shall be placed.

XLVI. And be it further enacted, That no gate-keeper of any turnpike road, or person renting the tolls thereof, and receiving the tolls, may

with treble costs of suit;

to be applied to the use of the road.

Upon the death of any collector, a trustee may appoint a temporary one,

who is to be accountable, till the next meeting of the commissioners. Collector discharged, refusing to deliver up possession of the house, &c. or the wife or family of such as shall die,

Constable, by warrant of a justice, may enter the premises, &c.

and put the new appointed officer in possession.

Collectors and surveyors to account upon oath, when required;

under penalty of 5l.

No collector, or renter of the tolls, may

be removed by virtue of the poor laws,

unless he become chargeable; nor shall he gain any settlement by the tolls; nor shall he, nor the tolls, be liable to any parochial tax.

Constables making default in their duty in executing this act, &c. and surveyors, collectors, &c.

neglecting to seize supernumerary horses drawing in waggons, or to give due information of the offence,

forfeit 10 l.

Any seizure or distress made for any forfeiture incurred, unless by warrant, is to be delivered over to the constable, till proof made of the offence;

and if not made within 6 days, the distress to be returned to the owner; and the seizer to pay ex-

siding in any toll-house belonging to the said trust, shall be removable from such toll-house, by the order of any justices of the peace, in pursuance of any laws now in being for the relief or regulation of the poor, unless he shall become actually chargeable to some parish or place; and that no such gate-keeper or person renting such tolls, and residing in such toll-house as aforesaid, shall thereby gain a settlement in any parish or place whatsoever; and that no tolls to be taken at any gate erected, or to be erected, by the trustees of any turnpike road, nor any toll-house erected, or to be erected, for the purpose of collecting the same; nor any person, in respect of such tolls or toll-house, shall be rated or assessed towards the payment of any poors rate, or any other publick or parochial levy whatsoever.

XLVII. And, to enforce further a due observance of this act, be it enacted, That every constable, headborough, or tythingman, refusing or neglecting to put this act into execution, or to account for and deliver any forfeiture or penalty according to the directions of this act; and every surveyor of any turnpike road, and every toll-gatherer, and all persons employed, or to be employed, by commissioners or trustees, appointed or to be appointed for the repairing roads, as do or shall receive salaries or rewards, who shall wilfully neglect, for the space of one week after the offence committed, to seize any supernumerary horse or horses drawing within their view or knowledge in any waggon, wain, or cart, contrary to the true intent and meaning of this act; or shall wilfully neglect for the same time to lay such information, upon oath, before one or more of his Majesty's justices of the peace for the county, riding, division, or place, wherein such offence was committed, or before the commissioners or trustees at their respective meetings, as by this act is directed; shall, upon due information made, upon oath, before one or more of his Majesty's justices of the peace for the said county, riding, division, or place, forfeit, for every such neglect, the sum of ten pounds.

XLVIII. Provided always, and it is hereby enacted and declared, That whatever person or persons shall make any seizure or distress of any horse, beast, gears, or other things, for any of the forfeitures hereby incurred, unless by warrant from a justice or justices of the peace, or commissioners of any turnpike, pursuant to the authority hereby given; such person or persons shall deliver the same into the custody of the constable, or some other parish officer of the same, next, or adjacent, town or parish, where such seizure or distress is made, who are hereby required to receive into their custody, and safely to keep the same, till the person or persons who made such distress or seizure shall make proof, upon oath, before some justice of the peace, of the offence committed; but if such proof shall not be made within six days after such delivery, then such horse, beast, gears, or other things, shall be restored to the owner; and the person making such seizure shall pay such reasonable charges to the constable or other officer for the keeping and securing thereof, as the

the said justice or justices shall allow and direct; and the said justice or justices, before whom such proof is made, are hereby required, after conviction, to issue their precept to such constable or parish officer, immediately to deliver the horse, beast, gears, or other things, so forfeited, to the party or parties who seized or distrained the same, to and for their sole use and benefit; paying such reasonable charges for keeping and securing such horse or horses, beasts, or other things, as the said justice or justices shall allow and direct: and every person making seizure of any such horse, beast, gears, or other things, and not prosecuting such seizure within the time and in manner aforesaid, shall forfeit to the owner of such horse, beast, gears, or other things, the sum of forty shillings for every such seizure.

penches of keeping; but upon conviction, an order to be made for delivering the distress to the party.

Party not duly prosecuting such seizure, forfeits 40 s.

XLIX. Provided always, and be it further enacted, That no conviction shall be had or made by virtue of this act, unless upon confession of the party accused, or upon the oath of one or more credible witness or witnesses; and that any inhabitant of any parish, township, or place, in which any offence shall be committed contrary to this act, shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place; and that any justice of the peace may act in the execution of this act, notwithstanding he may be a trustee for repairing and amending the roads on which any offence, contrary to this act, shall be committed.

All convictions to be upon confession of the party accused, or oath of one or more witnesses; Inhabitants deemed competent witnesses; and any justice, tho' a trustee, may act therein.

L. And be it further enacted, That in case any person or persons shall resist, or make forcible opposition against, any person or persons employed in the due execution of this act; or shall assault any collector or collectors of the tolls in the execution of his or their office or offices; or shall forcibly pass through any turnpike-gate or gates, rail or rails, chain or chains, or other fence or fences, set up, or to be set up, by authority of parliament, without paying the toll appointed to be paid at such gate or other fence; or shall hinder, or attempt to prevent or obstruct, any such person or persons in the measuring or gauging the wheels of any carriage; or seizing or distraining of any horse, or beast of draught, hereby directed to be forfeited for the offences herein before mentioned; or make any rescue of cattle, or other goods, distrained by virtue of this act; or if any constable, headborough, or tythingman, shall refuse or neglect to execute any warrant granted by any justice or justices of the peace, or by any commissioners or trustees, pursuant to the directions of this or any turnpike road act; every such person offending therein, and being convicted thereof in manner aforesaid, shall, for every such offence, forfeit any sum not exceeding ten pounds, nor less than forty shillings, at the discretion of the justice or justices of the peace before whom he or she shall be so convicted; to be paid to the surveyor of the turnpike roads where the offence was committed, and laid out in the repairs thereof: and in case he or she do not forthwith pay, or secure to be paid, the said forfeiture, after such conviction; then it shall

Penalty of obstructing the execution of this act in any of the instances here mentioned,

in any sum not exceeding 10l. nor less than 40s. to be paid to the turnpike surveyor;

and if not forthwith paid, or security given,

the offender
to be commit-
ted.

shall and may be lawful for such justice or justices of the peace to commit such person or persons to the common gaol, or house of correction, of the county, division, or place, where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

Penalties, for-
feitures, and
charges, not
otherwise di-
rected, to be
levied by di-
stresses and sale.

LI. And be it further enacted, That all penalties and forfeitures by this act imposed for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this act (the manner of levying and recovering of which is not hereby otherwise particularly directed) shall be levied by distress and sale of the goods and chattles of the offender, or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the county, riding, division, or place, where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress, if any, to the party or parties, after deducting the charges of making the same; which warrant such justice is hereby empowered and required to grant upon conviction of the offender by confession, or upon the oath of one or more credible witnesses or witnesses, or upon order made as aforesaid; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the turnpike road where such offence, neglect, or default, shall happen; to be employed towards the repair thereof, unless otherwise directed by this act: and in case such distress cannot be found, and such penalties and forfeitures, or the said costs or charges, shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons liable to pay the same respectively, to the common gaol or house of correction of the county, riding, division, or place, where the offence shall be committed, or such order as aforesaid shall be made, for any time not exceeding three months; unless the said penalty, forfeiture, costs, or charges, shall respectively be sooner paid: and if such offender or offenders, or person or persons liable or ordered to pay the same respectively, shall live out of the jurisdiction of the justice or justices hereby authorized to grant such warrant; it shall and may be lawful for any justice of the peace of the county, riding, division, or place, wherein such person shall inhabit; and every such justice is hereby required, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture or penalty was incurred, or of the order for the payment of such costs or charges produced and proved by a credible witness upon oath, by warrant under his hand and seal, to cause the penalty or forfeiture mentioned in such conviction, or the costs or charges mentioned in such order, to be levied by distress and sale of the goods and chattles of such offender or offenders, or person or persons liable or ordered to pay the same respectively,

Application
thereof.

For want of
distress, &c.

Offender to be
committed.

Warrant may
be backed by
any neigh-
bouring ju-
stice,

and distress
and sale made
accordingly;

respectively, as aforesaid; and if no sufficient distress can be had, to commit such offender or offenders, or person or persons liable as aforesaid, to the common gaol or house of correction of such county, riding, division, or place, for the time and in manner aforesaid.

and for want of distress, offender to be committed.

LII. Provided always, and be it enacted, That whatever penalty or forfeiture shall be levied or recovered on the information of the surveyor of any turnpike road, or of any toll-gatherer, or other person employed by the commissioners or trustees appointed for repairing the roads, and receiving salaries or rewards for their services, shall go and be applied to the amending of the said turnpike roads respectively, and to no other use or purpose whatever; any thing in this or any other act to the contrary notwithstanding.

Penalties or forfeitures recovered on information of a surveyor or collector, &c. to be applied to the repair of the roads.

LIII. And be it enacted, That every prosecutor or informer may, at his election, sue for and recover any forfeiture or penalty imposed by this or any other act or acts of parliament made, or to be made, for erecting turnpikes, or for repairing and amending turnpike roads, in the same manner as such forfeitures and penalties are severally and respectively directed to be sued for and recovered, or by action at law, to be brought by such informer or prosecutor in any of his Majesty's courts of record in manner following (that is to say) where any person shall be liable to such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt; in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of

Prosecutors or informers at liberty to sue, either as the respective turnpike acts direct; or, in the courts of record, by action of debt,

being forfeited by an act passed in the seventh year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads of this kingdom, and for other purposes therein mentioned*; and where the penalty or forfeiture is or shall be of any horse or beast of draught, or other goods, by an action of trover against the person liable to such penalty or forfeiture, in which the said forfeiture shall be sufficient evidence of property to the plaintiff; and in which the value of such horse, beast of draught, or other goods, as is or are liable to the forfeiture, shall be given in damages, without any proof of seizure or demand; and the plaintiff, if he recover in any such action, shall have full costs: provided that there shall not be more than one recovery for the same offence; and that ten days notice, in writing, be given to the party offending, previous to the commencement of such action; and that the same be brought and commenced within one calendar month after the offence, for which such action is brought, shall have been committed.

or of trover;

and recovering, are intituled to full costs. No more than one recovery for the same offence; and notice time.

also to be given to the party; and action brought within a certain time.

LIV. And be it further enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings

Distress for money not deemed unlawful, &c. for default of form in the proceedings;

nor the party making it, a trespasser, *ab initio*, on account of any subsequent irregularity.

Plaintiff in any action for irregularity, &c. not to recover, where tender of amends has been made before action brought. Defendant allowed to pay money into court before issue joined.

Persons aggrieved by the order of any justices or trustees, may appeal (where not otherwise directed) to the general quarter sessions.

Due notice to be given of intention to appeal;

and recognizance to be entered into.

Proceedings had in the case, to be returned into the court, on forfeiture of 5*l*.

Court to determine the matter in a summary way, and award proper costs:

Their determination to be final.

proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining; but the person or persons aggrieved by such irregularity, may recover full satisfaction for the special damage in an action on the case.

LV. Provided always, That no plaintiff or plaintiffs shall recover in any action for any such irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed, or caused to be committed, any such irregularity, trespass, or wrongful proceedings, before such action brought: and in case no such tender shall have been made, it shall and may be lawful for the defendants in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings, or orders and judgements, shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

LVI. Provided also, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done by any justice or justices of the peace, commissioners, or trustees, in pursuance of this act, and for which no particular method of relief hath been already appointed; such person may appeal to the justices of the peace at any general quarter sessions of the peace to be held for the county, riding, division, or place, wherein the cause of such complaint shall arise, within six months after the cause of such complaint shall have arisen; such appellant first giving, or causing to be given, to such justice, commissioners, or trustees, by whose act or acts such person shall think himself or herself aggrieved, eight days notice at the least in writing of his or her intention to bring such appeal, and of the matter thereof; and within four days after such notice, entering into recognizance before some justice of the peace for the said county, riding, division, or place, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by, the justices of such quarter session; and every justice of the peace, and the commissioners or trustees, having received notice of such appeal as aforesaid, shall return all proceedings whatever had before them respectively, touching the matter of such appeal, to the said justices at their general quarter sessions aforesaid, on pain of forfeiting five pounds for every such neglect; and the said justices at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they, the said justices, shall think proper; to be levied and recovered as herein before directed; and the determination of such quarter sessions shall be final and conclusive to all intents and purposes; and that no proceeding to be

had or taken in pursuance of this act shall be quashed or vacated for want of form, or removed by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

Proceeding not removable by *Certiorari*, &c.

LVII. Provided, That no such appeal shall be made against any conviction, for the forfeiture of any horse or other beast by virtue of this act, unless the person convicted shall, at the time of such conviction, give notice of his or her intention to appeal; and at the same time enter into recognizance, with sufficient sureties, to pay the value of such horse or other beast, in case such conviction shall be affirmed upon such appeal; and upon his or her giving such security, such horse or other beast shall be forthwith delivered to such person.

Where appeal is made against the conviction for the forfeiture of any horse, &c. Notice of appeal is to be given at the time of conviction.

LVIII. And be it enacted, That where any oath is hereby required and directed to be made or taken, the justices of the peace of any county, riding, division, or place, or the trustees or commissioners of any turnpike road, as the case may be, and according to the several jurisdictions herein given to them respectively as aforesaid, shall, and they are hereby respectively empowered to administer the same.

Oaths to be administered by justices, or trustees.

LIX. And be it further enacted, That this act, and the several powers, provisions, regulations, clauses, and matters therein contained, shall commence and take effect on the twenty ninth day of *September* next ensuing.

Commencement of this act.

LX. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then, and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same, and every such action or suit, shall be brought in the county, riding, division, or place, where the person against whom such action or suit shall be commenced doth ordinarily inhabit and reside, or in the county, riding, division, or place, where the fact was committed, and not elsewhere; and the defendant or defendants, in every such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county, riding, division, or place, than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any other cases by law.

Limitation of actions.

General issue;

Treble costs

Repeal of so much of the several acts following, as relate to turnpikes; viz. act 1 Geo. 2;

5 Geo. 2;

8 Geo. 2;

24 Geo. 2;

21 Geo. 2;

3 Will. & Mary, except what relates to the rate for carriage of goods; 24 Geo. 2. except what relates to the preventing mischief occasioned by drivers riding upon carts, & c. in London;

26 Geo. 2;

28 Geo. 2, except 10

LXI. And be it further enacted, That from and after the twenty eighth day of September next, so much of an act made in the first year of the reign of his late majesty King George the Second (intituled, *An act for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways; or locks, or other works erected by authority of parliament, for making rivers navigable*) as relates to turnpikes; as also so much of an act passed in the fifth year of his late majesty King George the Second (intituled, *An act to explain, amend, and render more effectual, an act passed in the first year of his present Majesty's reign, intituled, An act for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways; or locks, or other works erected by authority of parliament, for making rivers navigable*) as relates to turnpikes; as also so much of an act passed in the eighth year of his late majesty King George the Second (intituled, *An act for rendering the laws more effectual for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways; or locks, or other works erected by act of parliament, for making rivers navigable; and for other purposes therein mentioned*) as relates to turnpikes; as also so much of an act passed in the fourteenth year of his late majesty King George the Second (intituled, *An act for the preservation of the publick roads in that part of Great Britain called England*, as relates to the turnpike roads of this kingdom; as also an act passed in the twenty first year of his late majesty King George the Second (intituled, *An act to explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled, An act for the preservation of the publick roads in that part of Great Britain called England*); and so much of an act passed in the third year of the reign of King William and Queen Mary (intituled, *An act for the better repairing and amending the highways, and for settling the rates of the carriage of goods, as relates to the settling the rates of the carriage of goods*) except so much thereof as relates to the rate or price for carriage of goods; as also an act passed in the twenty fourth year of his late majesty King George the Second (intituled, *An act for the more effectual preservation of the turnpike roads in that part of Great Britain called England; and for the disposition of penalties given by acts of parliament relating to the highways in that part of Great Britain called England, and for enforcing the recovery thereof; and for the more effectual preventing of mischief occasioned by the drivers riding upon carts, drays, carrs, and waggons, in the city of London, and within ten miles thereof*) except so much thereof as relates to the preventing mischief occasioned by the drivers riding upon carts, drays, carrs, and waggons, in the city of London; as also another act passed in the twenty sixth year of the reign of his late majesty King George the Second (intituled, *An act for the amendment and preservation of the public highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto*) as also an act passed in the twenty eighth year of his late majesty King George the Second (intituled, *An act to amend an act*

act made in the twenty sixth year of the reign of his present Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto) except so much thereof as continues the acts then made for repairing and amending turnpike roads, subject to the tolls and duties by such acts respectively granted; as also an act passed in the thirtieth year of his late majesty King George the Second (intituled, An act for enlarging the times for the first meetings of commissioners or trustees, for putting in execution certain acts of this session of parliament) and also another act passed in the thirtieth year of his said late majesty King George the Second (intituled, An act to render more effectual the several laws now in being, for the amendment and preservation of the public highways and turnpike roads of this kingdom) as also an act passed in the thirty first year of his late majesty King George the Second (intituled, An act for enlarging the times for the first meetings of commissioners or trustees, for putting in execution certain acts of this sessions of parliament, and for other purposes therein mentioned) as also an act passed in the fifth year of the reign of his present Majesty (intituled, An act to continue part of an act made in the thirtieth year of the reign of his late majesty King George the Second, intituled, An act to render more effectual the several laws now in being, for the amendment and preservation of the public highways and turnpike roads of this kingdom, and for making further provisions for the preservation of the said roads) as also an act passed in the sixth year of his present majesty (intituled, An act for explaining, amending, and further enforcing, the execution of two several acts, one made in the twenty sixth year of his late Majesty, and the other in the fifth year of his present Majesty's reign, for the amendment and preservation of the public highways and turnpike roads of this kingdom; and for obliging mortgagees taking possession of toll-gates on turnpike roads, and toll-gatherers appointed by them, to account) shall be, and the same are hereby repealed.

much thereof
as continues
the turnpike
acts, &c.

30 Geo. 2;

30 Geo. 2;

31 Geo. 2;

5 Geo. 3;

and 6 Geo. 3.

C A P. XLI.

An act to enable his Majesty to put the customs, and other duties, in the British dominions in America, and the execution of the laws relating to trade there, under the management of commissioners to be appointed for that purpose, and to be resident in the said dominions.

WHEREAS in pursuance of an act of parliament made in the twenty fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade, the rates and duties imposed by that, and several subsequent acts of parliament, upon various goods imported into, or exported from, the British colonies and plantations in America, have been put under the management of the commissioners of the customs in England for the

Preamble, re-
citing act 25
Car. 2.

time being, by and under the authority and directions of the high treasurer, or commissioners of the treasury for the time being: and whereas the officers appointed for the collection of the said rates and duties, in America, are obliged to apply to the said commissioners of the customs in England for their special instructions and directions, upon every particular doubt and difficulty which arises in relation to the payment of the said rates and duties; whereby all persons concerned in the commerce and trade of the said colonies and plantations, are greatly obstructed and delayed in the carrying on and transacting of their business: and whereas the appointing of commissioners to be resident in some convenient part of his Majesty's dominions in America; and to be invested with such powers as are now exercised by the commissioners of the customs in England by virtue of the laws in being, would relieve the said merchants and traders from the said inconveniences, tend to the encouragement of commerce, and to the better securing of the said rates and duties, by the more speedy and effectual collection thereof; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the customs and other duties imposed, by any act or acts of parliament, upon any goods or merchandizes brought or imported into, or exported or carried from, any *British* colony or plantation in *America*, may, from time to time, be put under the management and direction of such commissioners, to reside in the said plantations, as his Majesty, his heirs, and successors, by his or their commission or commissions under the great seal of *Great Britain*, shall judge to be most for the advantage of trade, and security of the revenues of the said *British* colonies; any law, custom, or usage, to the contrary notwithstanding.

His Majesty authorized to put the customs, and other duties in the *British* colonies in *America*, under the management of commissioners to be resident there:

Their power, with regard to carrying into execution the laws relating to the revenues and trade of the said colonies. The Crown empowered, in such commissions, to make provision for the execution of the said laws there.

Deputations, &c. granted by the commissioners of the customs in England, to be in force there, till revoked by the treasury.

II. And it is hereby further enacted by the authority aforesaid, That the said commissioners so to be appointed, or any three or more of them, shall have the same powers and authorities for carrying into execution the several laws relating to the revenues and trade of the said *British* colonies in *America*, as were, before the passing of this act, exercised by the commissioners of the customs in *England*, by virtue of any act or acts of parliament now in force: and it shall and may be lawful and for his Majesty, his heirs, and successors, in such commission or commissions, to make provision for putting in execution the several laws relating to the customs and trade of the said *British* colonies; any law, custom, or usage, to the contrary notwithstanding.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That all deputations, and other authorities, granted by the commissioners of the customs in *England* before the passing of this act, or which may be granted by them before any commission or commissions shall issue in pursuance of this act, to any officer or officers acting in the said colonies or plantations, shall continue in force as fully, to all intents and purposes, as if this act had not been made, until the deputations, or

or other authorities, so granted to such officer or officers respectively, shall be revoked, annulled, or made void, by the high treasurer of *Great Britain*, or commissioners of the treasury for the time being.

CAP. XLII.

An act to explain, amend, and reduce into one act of parliament, the several statutes now in being for the amendment and preservation of the publick highways of this kingdom; and for other purposes therein mentioned.

WHEREAS the several statutes now in being for the amendment and preservation of the highways of this kingdom, are very numerous, and, in some respects, ineffectual: And whereas the good purposes thereby intended might be better effected, if the said statutes were entirely repealed, and reduced into one act; be it

Preamble.

herefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from henceforth, upon the twenty second day of *September*, in every year, unless that day shall be a *Sunday*, and then on the day following, the constables, headboroughs, tythingmen, churchwardens, surveyor or surveyors of the highways, and householders, being assessed to any parochial or publick rate, of every parish, township, or place, or which surveyors of the highways have been usually appointed, shall assemble together at the church or chapel of such parish, township, or place; or if there be shall no church or chapel, then at the usual place of publick meetings for such parish, township, or place, at the hour of eleven in the forenoon; and the major part of them so assembled, shall make a list of the names of, at least, ten persons living within such respective parishes, townships, or places, who each of them have an estate in lands, tenements, or hereditaments, lying within such respective parish, township, or place, in their own right, or in the right of their wives, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds, or are occupiers or tenants of houses, lands, tenements, or hereditaments, of the yearly value of thirty pounds: and if there shall not be ten persons, having such qualification as aforesaid; then they shall insert in such list the names of so many of such persons as are so qualified as above required, together with the names of so many of the most sufficient and able inhabitants of such parish, township, or place, not so qualified, as shall make up the number ten, if so many can be found; if not, so many as shall be there resident, to serve the office of surveyor of the highways: and the constable, headborough, or tythingman, of such parish, township, or place, shall return such list unto two or more justices of the peace of the county, riding, division, city, corporation, precinct, or liberty, in which such parish, township, or place, shall be, at their special sessions to be held for that purpose, on the first

Annual lists to be made out in *September* yearly of a certain number of persons,

qualified to serve as surveyors of the highways:

The lists to be returned to the justices at their special sessions in *October*.

and notice to be given to the persons named therein to attend.

The justices are to give timely notice of holding the said sessions;

and are to nominate such a number to be surveyors, as they shall judge necessary;

and the constables are to notify such nomination accordingly.

Office of surveyor to be for 1 year;

and the justices are to give them a charge.

Where the persons nominated neglect or refuse to serve, they forfeit 5l.

and others are to be appointed;

Monday in October next following, or within fifteen days after, in every year; and shall also, within three days after the making the said list, give personal notices to, or cause notices in writing to be left at, the places of abode of the several persons contained in such list, informing them of their being so named, to the intent that they may severally appear before the justices at the said special sessions, to accept such office, if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed; and the said justices are hereby authorized and required to hold such special sessions at such convenient place or places within their respective jurisdictions, as they in their discretion shall judge proper; and to give notice of the time and place where they intend to hold the same, to the constables, headboroughs, or tythingmen, of every such parish, township, or place, at least ten days before the holding of the said session; and the said justices, then and there, from the said lists, according to their discretion and the largeness of the parish, township, or place respectively, by warrant under their hands and seals, shall nominate or appoint one, or two, or more of such persons as aforesaid, to be surveyor or surveyors of the highways of every such parish, township, or place respectively, for the year ensuing; which nomination and appointment shall, by the constables, headboroughs, or tythingmen aforesaid, be notified to the person or persons so nominated, chosen, and appointed, by the said justices, within three days after such nomination, by serving him or them with the said warrant or warrants, or by leaving the same, or a true copy thereof, at his or their house or houses, or usual place or places of abode; and the person or persons so nominated and appointed, shall be surveyor or surveyors of the highways for the parish, township, or place, for which he or they shall have been so nominated and appointed, for the year ensuing, and shall take upon him or them, and duly execute, the office aforesaid; and the said justices shall then and there give such of the said surveyors as shall personally appear before them, a charge for the better performance of their duty according to the directions of this act: and if any of the said persons so nominated, and served with the said notice, shall refuse or neglect to appear and accept the said office, if appointed thereto in manner aforesaid, at the said special session, or shall not, within six days after being served with such warrant of appointment, signify his or their acceptance thereof, either in person, or by writing, to one of the said justices; he or they so refusing or neglecting, shall forfeit the sum of five pounds: and in case of such neglect or refusal as aforesaid, the said justices, or any two of them, are hereby impowered at the same sessions, or at any time afterwards, to nominate and appoint some other fit person or persons named in the said list, to perform the said office; who, upon being served with the warrant for his or their appointment, in manner aforesaid, shall, within one week afterwards, signify to the said justices, or one of them, either

either in person, or by writing, his or their acceptance of the said office; and if he or they neglect or refuse so to do, he or they shall forfeit the like sum of five pounds respectively: and in case no such list shall be returned, or the person so nominated and appointed shall not take upon him the said office, or shall die in the execution thereof; the said justices or any two of them, shall and may nominate and appoint such person or persons as he or they shall think proper to execute the same: and if the constables, headboroughs, tythingmen, churchwardens, surveyors of the highway, and such householders as afore-^{and they, neglecting or refusing, forfeit likewise.} said, of any parish, township, or place, shall neglect or refuse to make such list as afore-^{If no list be returned, or the persons refuse to serve, or die in their office; the justices are to appoint such as they think proper.} said, or if the constables, headboroughs, or tythingmen, of any parish, township, or place, or some or one of them, shall not return the said list of names when made, and give such notice or notices, and serve such warrant or warrants, as in this act is directed; every of them so neglecting or refusing in any of the said cases, shall, for every such default respectively, forfeit the sum of forty shillings.

II. Provided always, and be it further enacted, That if two parts out of three of the persons so to be assembled in any such parish, township, or place, for the nomination of surveyors as afore-^{40s. penalty on not making, or returning, such lists. notice, &c. to the parties.} said, shall agree in the choice of any particular person of skill and experience to serve the said office of surveyor for such parish, township, or place, and in the settling of a certain salary for his trouble therein, to be allowed as hereafter directed, and shall return the name of such person, together with the list herein before directed, to the justices of the peace at their said sessions, to be held on the first *Monday* in *October* as afore-^{Where a choice shall be made of a person of skill and experience to serve, with a salary settled for his trouble, and he be returned together with the list, the justices, if they think proper, may appoint such person; and allow such salary; the same to be paid out of the penalties, &c.} said, or within fifteen days after; that then, and in every such case, it shall and may be lawful for the said justices, if they shall think proper, to appoint such person to be surveyor for such parish, township, or place; which surveyor so appointed shall, in all respects, have the same power and authority, and be liable to the same penalties and forfeitures for neglect of duty, as if he had been chosen and appointed from the list to be returned as afore-^{and allow such salary; the same to be paid out of the penalties, &c.} said: and the said justices shall likewise, in their discretion, allow such salary, so settled as afore-^{(such salary to be paid out of the penalties, forfeitures, and composition-money, to arise by virtue of this act, within the year ensuing).} said (such salary to be paid out of the penalties, forfeitures, and composition-money, to arise by virtue of this act, within the year ensuing).

III. And be it further enacted, That no tree, bush, or shrub, shall be permitted to stand or grow in any highway within the distance of fifteen feet from the center thereof; but the same shall be cut down, grubbed up, and carried away, by the owner or owners of the land or soil where the same doth or shall stand or grow, within ten days after notice to him, her, or them, or his, her, or their, steward or agent, given, by the said surveyors, or any of them, on pain of forfeiting for every neglect, the sum of ten shillings.

IV. And be it further enacted, That the possessors of the land next adjoining to any highway shall, from time to time, and at all times, keep their hedges plashed, cut, or pruned, right

next adjoining to any highway, with respect to keeping their hedges, ditches, drains, watercourses, trunks, tunnels, platts, or bridges, in proper order; and by the occupiers of adjoining grounds:

Penalty on default 10 s.

No stone or other matter to be laid in the highway; or soil of ditches; to the obstruction or prejudice thereof, on penalty of 10 s;

and where any thing, not hereby tolerated, shall be so laid, within 25 feet of the centre, the owner of the adjacent lands may remove, and dispose of

Penalty of causing any obstruction in the highways by carriages, or implements of husbandry, 10 s.

Surveyor's duty on taking a view of

right up from the roots, so as no tree, bush, or shrub, belonging to such hedge, shall stand or grow in, nor any bough or branch of any such tree (except timber trees, and trees not being pollards) be suffered to hang over, any highway, not being thirty feet broad; and that ditches, drains, or watercourses, of a sufficient depth and breadth for the keeping all highways dry, and conveying the water from the same, shall be made, scoured, cleansed, and kept open, and sufficient trunks, tunnels, platts, or bridges, shall be made and laid where any cart-ways lead out of the said highways into the lands or grounds adjoining thereto, by the occupier or occupiers of such lands or grounds; and every person or persons who shall occupy any lands or grounds adjoining to, or lying near, such highway through which the water hath used to pass from the said highway, shall, and is hereby required, from time to time, as often as occasion shall be, to open, cleanse, and scour, the ditches, watercourses, or drains, for such water to pass without obstruction; and that every person making default in any of the matters or things aforesaid, after ten days notice to him, her, or them, given of the same by the said surveyor or surveyors, shall forfeit the sum of ten shillings.

V. And be it further enacted, That no person or persons shall lay in any highway any stone, timber, straw, dung, or other matter; and no person making, scouring, or cleansing, such ditches or watercourses, shall permit the soil or earth dug out of such ditches, drains or watercourses, to remain in such highway, in such manner as to obstruct or prejudice the same, for the space of ten days; and every person or persons offending in either of the said cases, shall, for every offence, forfeit and pay the sum of ten shillings.

VI. And be it further enacted, That if any stone, or any hay, straw, stubble, or other matter, for the making of manure, or on any other pretence whatsoever, not tolerated by this act, shall be laid in any highway, within the distance of fifteen feet from the centre thereof, whereby the same shall be any ways obstructed or annoyed, it shall and may be lawful for the owner or possessor of the lands adjacent, or any other person or persons whatsoever, to clear the said highways, by removing the said stone, hay, straw, dung, or other matter, and to have, take, and dispose of, the same to his and their own use.

VII. And, for preventing obstructions in the said highways, be it enacted, That if any person shall wilfully, set, place, or leave, any waggon, cart, or any other carriage, or any plough or instrument of husbandry, in any of the said highways (except only with respect to such waggon, cart, or carriage, during such reasonable time as the same shall be loading or unloading) so as to interrupt or hinder the free passage of any other carriage, or of his Majesty's subjects; every person so offending shall forfeit the sum of ten shillings.

VIII. And be it further enacted, That the surveyor or surveyors of the highways, to be appointed by virtue of this act, shall

shall, at such times and seasons as they shall judge proper, view all the roads, common highways, trunks, tunnels, platts, bridges, causeways, and pavements, within the parish, township, or place, for which he or they shall be appointed surveyor or surveyors; and in case he or they shall observe any nuisances, incroachments, obstructions, or annoyances, made, committed, or permitted, in, upon, or to the prejudice of them, or any of them, contrary to the directions of this act; he or they shall, from time to time, as soon as conveniently may be, give, or cause to be given, to any person or persons, doing, committing, or permitting, the same, personal notice, or notice in writing, to be left at his, her, or their usual places of abode, specifying the particulars wherein such nuisances, defaults, obstructions, or annoyances, consist: and if such nuisances, obstructions, or annoyances, shall not be removed, and the ditches, drains, gutters, and watercourses aforesaid, effectually made, scoured, cleansed, and opened, and such trunks, tunnels, platts, or bridges, made and laid, and such hedges properly cut and pruned, within twenty days after such notice of the same respectively given; then the said surveyor or surveyors shall be, and he and they is and are hereby, fully authorized and empowered, within twenty days afterwards, to remove such nuisances, obstructions, or annoyances, and open, cleanse, and scour, such ditches, gutters, and watercourses, and make or amend such trunks, tunnels, platts, or bridges, and cut and prune such hedges, for the benefit and improvement of the said highways, to the best of his or their skill and judgement, and according to the true intent and meaning of this act; and the person or persons for neglecting to make, or open and cleanse, such ditches, gutters, or watercourses, or to cut or prune such hedges, during the time aforesaid, after such notice given, shall forfeit, for every foot in length which shall be so neglected, the sum of one penny; and the said surveyor or surveyors shall be reimbursed what charges and expences he or they shall be at in removing such nuisances, obstructions, or annoyances, and making or opening, cleansing and scouring, such ditches, gutters, and watercourses, and in making or amending such trunks, tunnels, platts, or bridges, and in cutting and pruning such hedges respectively, by the person or persons who ought to have done the same, over and above the said forfeiture: and in case such person or persons shall upon demand, refuse or neglect to pay the said surveyor or surveyors his or their charges and expences occasioned thereby respectively, then the said surveyor or surveyors shall apply to any justice of the peace as aforesaid; and, upon making oath before him of notice being given to the defaulter in manner aforesaid, and of the said work being done by such surveyor or surveyors, and of the expences attending the same, the said surveyor or surveyors shall be repaid by such person or persons all such his or their said charges as shall be allowed to be reasonable by the said justice; or in default of payment thereof, on demand, the same shall be levied in such manner

the state and condition of the roads and highways within his district, in respect of nuisances, incroachments, obstructions, or annoyances;

wherein he is to give notice to the parties to remove the same;

and if they neglect, he is to employ men to do it;

in which case, the defaulters forfeit 1d. per foot, over and above the charges to be reimbursed to the surveyor;

and if not paid on demand, to be levied by warrant of a justice.

manner as the penalties and forfeitures hereby inflicted are directed to be levied.

Times of cutting hedges ;

and of felling timber trees,

oak trees,

ash and elm, &c. growing in the hedges or highways.

Surveyor is to make new ditches, drains, gutters, or watercourses, where the old are insufficient, and to keep the same scoured, cleaned, and opened ;

with proper trunks, tunnels, platts, bridges, or arches, over the same ;

making satisfaction to the owner &c. of the lands.

He is to make the cartways leading to market towns, 20 feet wide at least,

and the horse causeways 3 feet, &

Two or more justices may order narrow

IX. Provided nevertheless, That no person or persons be compelled, nor any surveyor permitted, by virtue of this act, to cut or prune any hedge at any other time than between the last day of *September* and the last day of *February*; and that nothing herein contained shall extend, or be construed to oblige any person or persons to fell any timber trees growing in hedges at any time whatsoever, except where the highways shall be ordered to be enlarged as herein after mentioned; or to cut down or grub up any oak trees growing within such highway, or in such hedges, except in the months of *April, May, June, or July*; or any ash, elm, or other trees, in any other months than the months of *December, January, or February*.

X. And be it further enacted, That where the ditches, gutters, or watercourses, which have been usually made, or which are herein before directed to be made, cleansed, and kept open, shall not be sufficient to carry off the water which shall lie upon and annoy the highways; that then, and in every such case, it shall and may be lawful for the said surveyor or surveyors (by the order of any one or more of the said justices) to make new ditches and drains in and through the said lands or grounds adjoining or lying near to such highway, or in and through any other lands or grounds if it shall be necessary, for the more easy and effectually carrying off such water from the said highways; and also to keep such ditches, gutters, or watercourses, scoured, cleansed, and opened; and the said surveyor or surveyors, and his and their workmen, are hereby authorized to go upon the said lands for the purposes aforesaid: provided that the said surveyor or surveyors make proper trunks, tunnels, platts, bridges, or arches, over such ditches, gutters, or watercourses, where the same shall be necessary, for the convenient use and enjoyment of the lands or grounds through which the same shall be made, and, from time to time, keep the same in repair; and do also make satisfaction to the owner or occupier of such lands, which are not waste or common, for the damages which he, she, or they, shall sustain thereby, to be settled and paid in such manner as the damages for getting materials in several or inclosed lands or grounds are hereafter directed to be settled and paid.

XI. And be it further enacted, That the said surveyor or surveyors of the highways shall, and they are hereby required to make every cartway, leading to any market town, twenty feet wide at the least, if the ground, between the fences inclosing the road, will admit of the same; and, from time to time, to repair and sustain the same to the breadth aforesaid; and that where horse causeways are used, or shall be judged proper, they shall not be less than three feet in breadth.

XII. Provided always, and be it further enacted, That where it shall appear, upon the view of any two or more of the said justices of peace, that the ground or soil of any highway between

tween the fences thereof is not of sufficient breadth, they shall, and are hereby impowered, within their respective jurisdictions, to order the same to be enlarged or widened in such manner as they shall think fit, so that the said highway, when enlarged, shall not exceed thirty feet in breadth; and that the said power do not extend to pull down any house or building, or to take away the ground of any garden, park, paddock, court or yard: and for the satisfaction of the person or persons, bodies politick or corporate, who are seized or possessed of, or interested, in their own right, or in trust for any other person or persons, in the said ground that shall be laid into the said highway, the said surveyor or surveyors, under the direction and with the approbation of the said justices, shall, and are hereby impowered to make an agreement with him, her, or them, for the recompence to be made for such ground, and for the making a new ditch and fence on that side of the highway which shall be so enlarged, according and in proportion to their several and respective interests therein; and also with any other person or persons, bodies politick or corporate, that may be injured by the enlarging such highway, for the satisfaction to be made to him, her, or them, respectively, as aforesaid: and if the said surveyor or surveyors, under the direction and with the approbation of the said justices, cannot agree with the said person or persons, bodies politick or corporate, or if he, she, or they, cannot be found, or shall refuse to treat, or take such recompence and satisfaction as shall be offered to them respectively by such surveyor; then the justices of the peace, at any general quarter sessions to be holden for the county, riding, division, city, corporation, precinct, or liberty, wherein such ground shall lie, upon certificate, in writing, signed by the justices making such view as aforesaid, of their proceedings in the premises, and upon proof of six days notice in writing having been given by the surveyor or surveyors of such parish, township, or place, or one of them, to the owner, occupier, or other person or persons, bodies politick or corporate, interested in such ground, or to his, her, or their guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter sessions for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the persons returned, to serve as jurymen at such quarter sessions: and the said jury shall, upon their oaths, to the best of their judgement, assess the damages to be given, and recompence to be made, to the owners and others interested as aforesaid in the said ground, for their respective interests, as they shall think reasonable, not exceeding thirty years purchase for the clear yearly value of the ground so laid out; and likewise such recompence as they shall think reasonable for the making of a new ditch and fence to that side of the highway that shall be so enlarged; and also satisfaction to any person or persons, bodies politick or corporate, that may be otherwise injured by the enlarging the said highways: and upon payment or tender of the money so to be awarded and assessed, to the person or persons, bodies politick or corporate,

roads to be widened to a sufficient breadth.

Surveyor in such cases, under the direction, and with the approbation of the said justices, is to make agreement with the owners of the soil, for the recompence; and for making new ditches and fences; and if he can't agree, the damage and recompence is to be assessed by a jury;

and upon payment or tender of the money assessed, &c.

the parties are deemed divested of their interests (except with regard to certain particulars) and the ground from thenceforth is to be deemed a publick highway.

Where there is not money sufficient for the above purposes in the surveyor's hands, it is to be raised by assessments by order of the said justices, or the quarter sessions.

If the recompence assessed by the jury be greater than that offered by the surveyor,

intituled to receive the same, or leaving it in the hands of the clerk of the peace of such county, riding, division, city, corporation, precinct, or liberty, in case such person or persons, bodies politick or corporate, cannot be found, or shall refuse to accept the same for the use of the owner, or of others interested in the said ground, the interest of the said person or persons, bodies politick or corporate, in the said ground, shall be for ever divested out of them; and the said ground, after such agreement or verdict as aforesaid, shall be esteemed and taken to be a publick highway to all intents and purposes whatsoever; saving nevertheless to the owner or owners of such ground, all mines, minerals, and fossils, lying under the same, which can or may be got without breaking the surface of the said highway; and also all timber and wood growing upon such ground, to be fallen and taken by such owner or owners, within one month after such order shall have been made, or, in default thereof, to be fallen by the said surveyor or surveyors within the respective months aforesaid, and laid upon the land adjoining, for the benefit of the said owner or owners; and where there shall not appear sufficient money in the hands of the surveyor or surveyors for the purposes aforesaid, then the said two justices, in case of agreement, or the said court of quarter sessions, after such verdict as aforesaid, shall order one or more assessment or assessments to be made, levied, and collected, upon all and every the occupiers of lands, tenements, and hereditaments, in the respective parishes, townships, or places, where such highways shall lie, and direct the money to be paid to the person or persons, bodies politick or corporate, so interested, in such manner as the said justices, or court of quarter sessions respectively, shall direct and appoint; and the money thereby raised shall be employed and accounted for according to the order and direction of the said justices, or court of quarter sessions respectively, for and towards the purchasing the land to enlarge the said highways, and for the making the said ditches and fences: and the said assessment or assessments, if not paid within ten days after demand, shall, by order of the said justices, or court of quarter sessions respectively, be levied by the said surveyor or surveyors, by distress and sale of the goods of the persons so assessed, rendering the overplus of the value of the goods so distrained to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted; provided that no such assessment or assessments to be made in any one year shall exceed the rate of six pence in the pound of the yearly value of the lands, tenements, and hereditaments, so assessed.

XIII. And be it further enacted, That in case such jury shall give in and deliver a verdict or assessment for more monies as a recompence for the right, interest, or property, of any person or persons, bodies politick or corporate in such lands or grounds, or for the making such fence, or for such damage or injury to be sustained by him, her, or them, respectively, as aforesaid, than what shall have been proposed and offered by the

1 surveyor, before such application to the said court of sessions as aforesaid; that then, and in such case, the expences attending the said several proceedings shall be paid by the surveyor or surveyors of the said highway of the monies in his or their hands, or to be assessed as aforesaid, by virtue, and under the powers, of this act if such jury shall give and deliver a verdict or assessment for no more, or for less, monies than shall have been so demanded and proposed by the said surveyor, before such application to the said court of quarter sessions; that then the said expences shall be borne and paid by the person or persons, politick or corporate, who shall have refused to accept the pence and satisfaction so offered to him, her, or them, as aforesaid.

the expence of the proceedings is to be paid by the surveyor;

if otherwise, the parties refusing are to pay the same.

7. And be it further enacted, That every surveyor shall, from time to time, give information, upon oath, to the justices, or any two or more of them, of all such highways and of all bridges, causeways, or pavements, upon such highways, as are out of repair, and ought to be repaired by any person or persons, bodies politick or corporate, by reason of want, tenure, limitation, or appointment of any charity; and the said justices shall limit a time for repairing the same, of which notice shall be given, by the said surveyor or surveyors, to the occupier or occupiers of the lands or tenements liable to the burthen of such repairs, or to such other person or persons, bodies politick or corporate, as are chargeable with the same: and if such repairs shall not be effectually made within the time so limited, the said justices shall and are required to present such highways so out of repair, together with the person or persons, bodies politick or corporate, to repair the same, at the next general quarter sessions of the county, riding, division, city, corporation, town, or liberty, wherein such highway shall lie; and the said justices at such quarter sessions may, if they see just cause, direct the prosecution to be carried on at the general expence of the county, riding, division, city, corporation, precinct, or township, and to be paid out of the general rates within such session.

surveyor is to make report of such defective highways, bridges, &c. as ought to be repaired by particular persons:

measures to be taken by the justices thereupon.

7. And be it further enacted, That every justice of assize, of the counties palatine of *Chester*, *Lancaster*, and *Durham*, and of the great sessions in *Wales*, and justice of the peace, shall have authority by this statute, upon his or their own view, to commit the justice of the peace, upon information upon oath to be given by any surveyor or surveyors of any highways respectively, to make presentment at their respective assizes, or great sessions, or in the open general quarter sessions of such respective county, riding, division, city, corporation, precinct, or liberty, of any highway, causeway, or bridge, not well and sufficiently repaired and amended, or of any other default or offence committed and done contrary to the provision and intent of this statute; and that all defects in the repair thereof shall be presented

justices of assize, and justices of the peace, empowered to make presentments to the assizes, or general quarter sessions, of any defective highways, causeways, or bridges; or of any other default or of-

penderragainst
this act;

and to assess
thereupon,
such fines as
they shall
think meet;

saving to the
persons affect-
ed, their law-
ful traverse
to such pre-
sentments.

Justices, at
their special
sessions, may
order those
roads to be
first repaired
that most want
it.

Complaint of
neglect of
duty, &c. in
surveyors,
may be en-
quired into by
two justices,
who may make
such order
thereupon as
shall be neces-
sary.

presented in such jurisdiction where the same do lie, and not elsewhere; and that no such presentment, nor any indictment for any such default or offence, shall be removed by *Certiorari*, or otherwise, out of such jurisdiction, till such indictment or presentment be traversed, and judgement thereupon given, except where the duty or obligation of repairing the said highways, causeways, or bridges, may come in question; and that every such presentment made by any such justice of assize, counties palatine, great sessions, or of the peace, upon his own view, or upon such information having been given to such justice of the peace upon the oath of such surveyor of the highways as aforesaid, shall be as good, and of the same force, strength, and effect, in the law, as if the same had been presented and found by the oaths of twelve men; and that for every such default or offence so presented as aforesaid, the justices of assize, counties palatine, and great sessions, at their respective courts, and the justices of the peace at their general quarter sessions, shall have authority to assess such fines as to them shall be thought meet: saving to every person and persons that shall be affected by any such presentment, his, her, or their lawful traverse to the same presentment, as well with respect to the fact of non-repair, as to the duty or obligation of repairing the said highways, as they might have had upon any indictment of the same, presented and found by a grand jury; and the justices of the peace at their general quarter sessions, or the major part of them (such major part not being less than five) may, if they see just cause, direct the prosecution upon such presentments as shall be made at the quarter sessions as aforesaid, to be carried on at the general expence of such county, riding, division, city, corporation, precinct, or liberty, and to be paid out of the general rates within such jurisdiction.

XVI. And be it further enacted, That the said justices of the peace, at any special sessions to be held by virtue of this act, may by writing under their hands and seals, order and appoint those roads which do most want repair, within their jurisdiction, to be first amended, and at what time, or in what manner, the same shall be performed; according to which order (if such there be) all and singular the respective surveyors of the said highways are hereby required to proceed within their respective liberties.

XVII. And be it further enacted, That it shall and may be lawful for the said justices, or any two or more of them, within their respective jurisdictions, upon complaint made to them by any person or persons, upon oath, against any surveyor or surveyors, for any neglect or default made in the performance of his or their duty required by this act, to summon such surveyor or surveyors to appear before them at such time and place as they shall appoint by such summons; and then and there to examine and inquire into the same, upon oath, and to make such order for the enforcing of this act, and the powers and authorities hereby given, as to them shall seem meet.

XVIII. *And,*

XVIII. *And, for the better convenience of travellers where several highways meet,* be it further enacted, That the said justices, at some special sessions to be held for the purposes of this act, shall issue their precept to the surveyor or surveyors of the highways, in the parish, township, or place, where several highways meet, and there is no proper or sufficient direction post or stone already fixed or erected, requiring them forthwith to cause to be erected or fixed in the most convenient place where such ways meet, a stone or post, with an inscription thereon, in large legible letters, containing the name or names of the next market town or towns, or other considerable place, to which the said highways respectively lead; and also at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones, or posts, denoting the depth of water in the deepest part of the same; and likewise such direction posts or stones as the said justices shall judge to be necessary, for the guiding of travellers in the best and safest tract through the said floods or waters; and the said surveyor or surveyors shall be reimbursed the expences of providing and erecting the same respectively, out of the monies which shall be received by him or them, pursuant to the directions of this act: and in case any surveyor or surveyors shall, by the space of three months after such precept to him or them directed and delivered, neglect or refuse to cause any such stone or post to be fixed as aforesaid; every such offender shall forfeit the sum of twenty shillings.

XIX. *And, for the better repairing and keeping in repair the said highways, and providing of materials for that purpose,* be it enacted, That it shall and may be lawful to and for every surveyor to be appointed as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the rubbish, or refuse stones of any quarry or quarries, lying and being within the parish, township, or place, where they shall be surveyors (except such as shall have been got by the surveyor of any turnpike road) without the licence of the owner or owners of such quarries, as they shall judge necessary for the amendment of the said highways, but not to dig or get stone in such quarry, without leave of the owner thereof; and also that it shall and may be lawful for every such surveyor or surveyors, for the use aforesaid, in any common or waste land or ground, river or brook, therein, within the parish, township, or place, where he or they shall be surveyor or surveyors, or within any other parish, township, or place, wherein gravel, sand, chalk, stone, or other materials, are respectively likely to be found, to search for, dig, and get the same; so that the said surveyors do not thereby prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred feet above or below any bridge, nor within the like distance of any pond, dam, or wear; and likewise to gather stones lying upon any lands or grounds within the parish, township, or place, where such highway shall be, for such service and purpose;

Justices impowered to order proper direction posts to be set up where several highways meet,

and at the approaches to such parts as are subject to deep or dangerous floods, and where necessary for guiding travellers in the best and safest tract;

surveyor neglecting his duty therein, forfeits 20s.

Surveyor impowered to take materials for repair of the highways from any neighbouring quarries, commons, waste grounds, rivers, or brooks;

posse; and to take and carry away so much of the said materials as, by the discretion of the said surveyor or surveyors, shall be thought necessary to be employed in the amendment of the said highways, without making any satisfaction for the same.

and where sufficient can't be had in such places, then from private grounds;

making such satisfaction to the owners as shall be agreed upon,

or otherwise, as the justices shall direct.

expences incurred by surveyors in effecting the purposes aforesaid, are to be reimbursed by a rate on the inhabitants of the place,

according to the rules prescribed in act 43 Eliz.

XX. And be it further enacted, That it shall and may be lawful for every such surveyor or surveyors for the use aforesaid, to search for, dig and get, sand, gravel, chalk, stone, or other materials (if sufficient cannot conveniently be had within such commons or waste lands) in any of the several or inclosed lands or grounds of any person or persons whomsoever, within the parish, township, or place, for which he or they shall be appointed surveyor or surveyors as aforesaid, (not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation) and to take and carry away so much of the said materials as, by the discretion of the said surveyor or surveyors, shall be thought necessary to be employed in the admendment of the said highways; the said surveyor or surveyors making such satisfaction for the damage to be done to such lands or grounds by the getting and carrying away the same, as shall be agreed upon between him or them, and the owner, occupier, or other person interested in such lands or grounds, in the presence, and with the approbation, of two or more substantial inhabitants of such parish, township, or place: and in case they cannot agree, then such satisfaction and recompence shall be settled and ascertained by order of one or more justice or justices of the peace of the county, riding, division, city, corporation, precinct, or liberty, where such land or ground shall lie.

XXI. And whereas in some parishes, townships, or places, there may not be sufficient materials for the repair of the highways within the same, nor within the commons or waste lands of any other parish, township, or place, lying within a convenient distance from such highway; by reason whereof, the surveyor or surveyors of such highway may be forced to buy such materials, and to make recompence and satisfaction to the owner or occupier of inclosed lands, for damage which may be done by getting thereof: and whereas no provision is made for raising a fund to reimburse the expences which the said surveyors may incur by erecting guide posts, and by rendering satisfaction for damages done to lands by the making new ditches or drains; be it therefore enacted, That upon application by such surveyor or surveyors, to the justices of the peace at their special sessions, and oath made of the sum or sums of money which he or they have or hath bona fide laid out and expended for the purposes aforesaid, the said justices, or any two of them, shall, and are hereby impowered, by warrant under their hands and seals, to cause an equal rate to be made, for the reimbursing the said surveyor or surveyors such sum or sums of money, upon all the occupiers of lands, tenements, and hereditaments, within such parish, township, or place, where such money shall be so expended or laid out, according to the rules and methods prescribed in an act of parliament made in the forty third year of the reign of the late queen Elizabeth, intituled, *An act for the relief*

of

of the poor, which rate, being confirmed and allowed by the said justices, shall be collected by the said surveyor or surveyors of the highways; and if any person or persons refuse to pay the money so assessed on him or them, that then the same shall be levied by the said surveyor or surveyors, by distress and sale of the goods and chattles of the person or persons so refusing, rendering to the party the overplus (the reasonable charges of making such distress being first deducted.)

XXII. And be it further enacted, That if any such surveyor, or person employed by him, shall, by reason of the searching for, digging, or getting, any gravel, sand, stones, chalk, or other materials, for repairing any highways, make, or cause to be made, any pit or hole in any such lands or grounds, rivers, or brooks, as aforesaid, wherein such materials shall be found; such surveyor, person or persons, shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired during such time as the said pit or hole shall continue open; and shall, within three days after any such pit or hole shall be opened or made where no gravel, stone, or materials, shall be found, cause the same to be forthwith filled up and levelled; and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, sloped down, or fenced off, and so continued: and in case such surveyor, person or persons, shall neglect to fill up, slope down, or fence off, such pit or hole, in manner, and within the time, aforesaid; or they shall forfeit the sum of ten shillings for every such default: and in case such surveyor or surveyors, person or persons, shall neglect to fence off such pit or hole, or to slope down the same, as herein before directed, for the space of ten days after he or they shall have received notice for either of those purposes from any justice of peace, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands as aforesaid, and such neglect and notice shall be proved upon oath before one or more of the said justices of the peace; such surveyor, person or persons, shall forfeit and pay any sum not exceeding ten pounds, nor less than forty shillings, for every such neglect, to be determined and adjudged by such justice or justices, and to be laid out and applied in the fencing off, filling up, or sloping down, such pit or hole, and toward the repair of the roads in the parish, township, or place, where the offence shall be committed, in such manner as the said justice or justices shall direct and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are herein after directed to be levied.

Rules to be observed by surveyors and others, with respect to the fencing, filling up, and sloping holes made in digging for, or getting materials for repairs of the roads.

Forfeiture for every neglect or default therein, 10 s. and for any default after notice,

a sum not less than 40 s. but not more than 10 l.

to be applied to the above purposes.

Regulations with regard to statute work in general;

how every person is to be ra-

XXIII. And be it further enacted, That the said surveyor or surveyors to be appointed as aforesaid, together with the inhabitants and occupiers of lands, tenements, and hereditaments, within each parish, township, or place, shall, at proper seasons in every year, use their endeavours for the repair of the highways, and shall be chargeable thereunto as followeth; that

ted; the number of days work he is to perform; and the number of hours in each day.

to say, every person keeping a team, draught, or plough, in such parish, township, or place, shall, six days in every year, to be computed from *Michaelmas* to *Michaelmas*, find and send, on every day, and at every place, to be appointed by the surveyor or surveyors for the amending the highways in such parish, township, or place, one wain, cart, or carriage, furnished after the custom of the country, with oxen, horses, or other cattle, and all other necessaries meet to carry things convenient for that purpose, and also two able men with each wain, cart, or carriage respectively; and every person occupying lands, tenements, or hereditaments, of the yearly value of fifty pounds, or above, shall, in like manner, send one wain, cart, or carriage, furnished with not less than three horses, or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart, or carriage (except in those parts of this kingdom where carts with single horses, are generally used; and in such places every such person shall, in like manner, send two carts, with one horse and one able man to each cart) and in like manner for every fifty pounds *per annum* respectively which he, she, or they, shall so occupy in such parish, township, or place; and shall likewise find and send one sufficient labourer, for every ten pounds *per annum* which he, she, or they shall occupy, above the annual value of fifty pounds, and less than one hundred pounds; and so for every ten pounds that each progressive and intermediate annual value of ten pounds shall fall short of the further increase of fifty pounds; and every person or persons occupying lands, tenements, or hereditaments, in any parish, township, or place, of the yearly value of ten pounds, and under the yearly value of fifty pounds, who shall not keep such team, draught, or plough, shall find and send one sufficient labourer for every ten pounds *per annum* which he, she, or they shall so occupy, upon every of the said days, and at every place so to be appointed by the said surveyor or surveyors as aforesaid; and every person or persons not keeping a team, draught, or plough, but occupying lands, tenements, or hereditaments, under the yearly value of ten pounds, in ever parish, township, or place, and also every man inhabiting therein respectively, and being of the age of eighteen, and under the age of sixty five years, not being an apprentice or menial servant, nor having performed the said duty, or paid the composition for the same, in any other parish, township, or place, for that year, shall by themselves, or one sufficient labourer for every of them, upon every of the said days on which they shall be called forth by the said surveyor or surveyors, together with the said other labourers, work and labour in the amendment of the said highways, as they shall be directed by such surveyor or surveyors: and if the said carriages, or any of them, shall not be thought needful by the surveyor or surveyors, on any of the said days; then every such person, who should have sent and found any such carriage, shall, according to the notice to be given as herein after directed, send unto the said work for every carriage so spared, three able

power to change carriages for men where thought needful by the surveyor;

able men, there to labour, as aforesaid, or pay to the said surveyor or surveyors the sum of four shillings and six pence, in lieu thereof; and all such persons as aforesaid shall respectively have and bring with them such shovels, spades, picks, mattocks, and other tools, and instruments, as are useful and proper for the purposes aforesaid; and all the said persons and carriages shall diligently perform the work and labour to which they shall be appointed by such surveyor or surveyors, for eight hours in every of the said days, within such parish, township, or place, or in getting and carrying materials in and from any other parish, township, or place, to be employed in the repair of the highways of the parish, township, or place, for which they shall be required to perform such duty and labour as aforesaid.

or a certain sum to be paid in lieu thereof. Such men to furnish their own tools.

XXIV. And be it further enacted, That every such surveyor or surveyors shall, from time to time, give to, or cause to be left at the house or usual place of abode of, every person or persons so liable to perform such duty or labour as aforesaid, four days notice at the least of the day, hour, and place, upon which each of the said day's duty shall be required to be performed; and every person or persons making default in finding and sending each wain, cart, or carriage, furnished as aforesaid, and such able men with the same, or in performing the said duty, at the time and place, and in the manner before directed, or in paying the composition for the same, as herein after mentioned, shall, for every such default or neglect, forfeit the sum of ten shillings; and every person or persons making default in sending any such labourer, or in performing such labour, at the time and place, and in the manner, before directed, or in paying such composition-money for the same as herein after mentioned, shall, for every such neglect, forfeit the sum of one shilling and six pence; and the said surveyor or surveyors, shall fairly and equally demand and require such duty and labour, from every person or persons liable to perform the same, according to the directions aforesaid, without favour or partiality to any person or persons whomsoever; and the said surveyor or surveyors, or one of them, may and shall, and he and they is and are hereby required, within twenty one days after every such default made in performance of such duty or labour as aforesaid, or paying such composition-money for the same respectively as herein after mentioned, to proceed for the recovery of the penalty or forfeiture hereby inflicted for the same respectively, in manner herein after directed.

Duty of surveyors, in giving timely notice to the persons liable to perform statute-work. Defaulters, after such notice, forfeit 10 s. per diem for each carriage and man not sent to work; and labourers 1 s. 6 d. per diem.

Duty and labour to be fairly and equally demanded; and the penalties and forfeitures, within 21 days after default.

XXV. Provided always, and be it further enacted, That any person or persons liable to perform the said duty by sending a wain, cart, or carriage, with men, horses, or oxen, in manner aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said surveyor or surveyors, or one of them at least, two days before the first day on which such duty shall by such notice be required to be performed, such sum or sums of money as the justices of the peace for the county, riding, division, city, corporation, precinct, or liberty, where-

Terms on which the several persons, liable to perform statute-work, may be admitted to compound for the same.

in such parish, township, or place, shall be, or the major part of them, at their said special sessions, to be held on the first *Monday* in *October*, or within fifteen days next following, in every year, shall adjudge and declare to be reasonable, not exceeding six shillings, nor less than three shillings, for each day; and in default of their adjudging and declaring the same, the sum of four shillings and six pence, for and in lieu of every such day's duty; and that any person or persons liable to send a labourer or labourers in respect of his, her, or their occupying lands, tenements, or hereditaments, of the yearly value of ten pounds or upwards, by such progression as aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the surveyor or surveyors, or one of them, for every ten pounds *per annum*, the sum of eight pence; and every householder, or other person or persons, occupying lands, tenements, or hereditaments, under the yearly value of ten pounds, and above the yearly value of three pounds, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said surveyor or surveyors, or one of them, the sum of six pence; and every other inhabitant liable to perform such duty or labour as aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said surveyor or surveyors or one of them, the sum of four pence, for and in lieu of every such day's duty or labour respectively, at least two days before the first day on which such duty or labour shall, by such respective notices, be so required to be performed.

duty of surveyors, in respect of giving notice of the time and place of admitting persons to compound.

Composition-money to be duly paid.

Regulations with respect to changes in the occupation of lands, &c. or new inhabitants.

XXVI. Provided also, and be it further enacted, That the surveyor or surveyors of every parish, township, or place, where the number of inhabitants liable to perform such duty shall consist of two hundred persons or upwards, shall, on the first or second *Sunday* in *January* in every year, cause ten days notice at the least to be given in the church or chapel of such parish, township, or place, of the time and place when and where the persons inclined to compound for the said duty, in manner aforesaid, may pay their composition-money; and all and every person or persons who shall pay the composition authorized and allowed by this act, pursuant to such notice, shall be discharged from the performance of such duty, and the forfeitures hereby imposed for his, her, or their default therein; and that, in such parish, township, or place, where such notice shall be given as aforesaid, no composition shall be permitted, unless the same shall be paid at the day, or within the time, to be expressed in such notice: but in cases where the occupation of any lands, tenements, or hereditaments, shall be changed, or any new occupant or inhabitant shall come to reside in such parish, township, or place, after the time appointed for such payment; then the person or persons occupying such lands, tenements, or hereditaments, or so residing in such parish, township, or place, shall be allowed to compound in manner aforesaid; provided he, she, or they, shall pay the said composition-money to the said surveyor or surveyors, or one of them, within

fourteen

fourteen days after he, she, or they, shall enter upon such lands, tenements, or hereditaments, or shall come to reside in such parish, township, or place.

XXVII. Provided likewise, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to oblige any person or persons keeping a team, draught, or plough, as aforesaid, and not occupying lands, tenements, or hereditaments, above the yearly value of fifty pounds, to find and send, or compound for, more than one wain, cart, or carriage, with men to attend the same, in manner as above directed: and that if any person or persons shall keep any team, draught, or plough, or any part thereof, for part of the year in one parish, township, or place, and for part of the year in another parish, township, or place; the duty shall be performed by such team, draught, or plough, in the parish, township, or place where such person or persons, shall usually reside.

Persons occupying lands, &c. not above 50L. per ann. are not obliged to find, or compound for, more than 1 carriage. Team, or plough, kept for part of the year in one parish, and for part in another, the duty usually resides.

XXVIII. *And whereas by several acts of parliament concerning turnpike roads, a certain part of the duty called Statute-duty, is or may be directed to be performed on such roads; and it may happen in some places that the several persons liable thereto may have compounded for the same;* be it therefore further enacted, That in all such cases the surveyor or surveyors of the highways of the parish, township, or place, where such composition shall have been made, shall pay to the treasurer or surveyor of such turnpike roads a certain part of the composition-money so received, to be proportioned according to the number of day's duty which such person or persons was or were liable to perform on such turnpike road.

Where composition shall be made for statute-duty, a proportion thereof is to be paid to the turnpike surveyor, if part of such duty is to be performed on the turnpike roads.

XXIX. And be it further enacted, That if upon application of the surveyor or surveyors of the highways for any parish, township, or place, to the justices of the peace for the county, riding, division, city, corporation, precinct, or liberty, wherein such parish, township, or place, lieth, at their general or quarter sessions of the peace, the said justices, or the major part of them, shall be fully satisfied, by proof upon oath, that the duty hereby directed to be performed, and the money hereby authorized to be collected and received, has been performed, applied, and expended, according to the directions of this act; or shall be fully satisfied that the common highways, bridges, causeways, streets, or pavements, belonging to such parish, township, or place, are so far out of order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported, by the means herein before prescribed (notice being first given of such intended application at the church or chapel of such parish, township, or place, on some Sunday preceeding such quarter sessions) that then, and in any of the said cases, one or more assessment or assessments upon all and every the occupiers of lands, tenements, and hereditaments, within any such parish, township, or place, shall or may be made, levied, and collected, by such person and persons, and allowed in such manner, as the said justices, by

Where the general or quarter sessions shall be satisfied, upon the application of the surveyor, that the duty, and money, have been faithfully applied; or that the highways, bridges, causeways, streets, or pavements, can't be sufficiently provided for by the means before prescribed; notice is to be given thereof, and assessments are to

be made accordingly for those purposes;

to be levied by distress and sale:

But no such assessments are not to exceed 6d in the pound, in any year.

No fine, &c. for not repairing the highways, or appearing to indictments, or presentments for the same to be returned into the Exchequer; but to be levied as the court directs, where the road lies, and applied thereto.

Method of relief, with respect to reimbursing such of the inhabitants on whom any such fine, &c. shall be levied.

Surveyors to collect all rates, forfeitures, penalties, and compositions; and keep his ac-

their order at such sessions, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for according to the orders and directions of the said justices, for and towards the amending, repairing, paving, cleansing, and supporting, such highways, causeways, streets, pavements, and bridges, from time to time, as need shall require; and the said assessments shall, by virtue of a warrant under the hand and seal of one justice of the peace, be levied by distress and sale of the goods of every person so assessed, and not paying the same within ten days after demand; rendering the overplus of the value of the goods so distrained to the owner and owners thereof, the necessary charges of making such distress and sale being first deducted.

XXX. Provided nevertheless, That no such assessment or assessments, to be made in any one year, shall exceed the rate of six pence in the pound of the yearly value of the lands, tenements, and hereditaments, so assessed.

XXXI. And be it further enacted, That no fine, issue, penalty, or forfeiture, for not repairing the highways, or not appearing to any indictment or presentment for not repairing the same, shall hereafter be returned into the court of Exchequer, or other court, but shall be levied by, and paid into the hands of, such person or persons residing in or near the parish, township, or place, where the road shall lie, as the court, imposing such fines, issues, penalties, or forfeitures, shall order and direct, to be applied towards the repair and amendment of such highways; and if any fine, issue, penalty, or forfeiture, to be imposed on any such parish, township, or place, for not repairing the highways, or not appearing as aforesaid, shall hereafter be levied on any one or more of the inhabitants of such parish, township, or place, that then such inhabitant or inhabitants shall and may make his or their complaint to the justices of the peace, at their special sessions; and the said justices, or any two of them, are hereby impowered and authorized, by warrant under their hands and seals, to cause a rate to be made, according to the form and manner herein last before prescribed, for the reimbursing such inhabitant or inhabitants the monies so levied on him or them, as aforesaid; which rate so made and confirmed by any two justices, shall be collected and levied by the surveyor or surveyors of the highways of such parish, township, or place, so presented or indicted as aforesaid; and the said surveyor or surveyors, shall, within one month next after the making and confirming the rate aforesaid, collect, levy, and pay, unto such inhabitant or inhabitants, the money so levied on him or them as aforesaid.

XXXII. And be it further enacted, That the surveyor or surveyors of the highways for every parish, township, or place, shall carefully and diligently collect all the rates, forfeitures, penalties, and compositions, directed and allowed to be received and taken by virtue of this act; and shall keep one or more book or books, in which he or they shall fairly enter an account of

all

all such money as shall have come to his or their hands by virtue and for the purposes of this act, and to whom and on what occasion he or they shall have disposed of the same; and shall also enter in such book or books a list or lists of all such sums of money as shall then remain due and owing from any person or persons in respect of the payments, compositions, rates, assessments, penalties, or forfeitures, to be collected, received, or taken, for and in respect of the said highways, by virtue of this act: and the said surveyor or surveyors shall also enter in the said book or books an account of all tools, materials, implements, and other things, provided for the repair of the said highways, at the public expence of such parish, township, or place: and every such surveyor or surveyors shall, at the said special sessions to be held on the first *Monday in October*, or within fifteen days after, as aforesaid, in every year, produce such book or books to the justices of the peace attending such sessions; and shall then and there verify the several entries therein on oath, before the said justices; and shall then, or within fourteen days after such sessions, deliver the said book or books, together with all such sums of money as shall remain in his or their hands, and likewise all tools, materials, implements, and other things, as aforesaid, to the succeeding surveyor or surveyors for such parish, township, or place: and it shall and may be lawful for such succeeding surveyor or surveyors, and they are hereby respectively required to recover, collect, and receive, all such sums of money which shall be due and owing as aforesaid, by all such ways and means, as fully and effectually, to all intents and purposes, as the preceding surveyor or surveyors could, might, or ought to have recovered, collected, or received the same: and in case such surveyor or surveyors shall neglect to provide such book or books, or to enter such respective accounts and lists therein, or to deliver the said book or books, and such tools, materials, implements, and other things as aforesaid, to the succeeding surveyor or surveyors, he or they shall, for every such offence, forfeit the sum of five pounds: and in case he or they shall make default in the payment of the money so remaining in his hands, within the time, and according to the directions aforesaid, he or they shall forfeit double the value of such money.

counts accord-
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method here
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and after-
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the sum.

XXXIII. And be it further enacted, That where any lands have been or shall be given for the maintenance of causeways, pavements, highways, and bridges, all such persons that are or shall be enfeoffed or trusted with any such lands, shall let them to farm at the most improved yearly value without fine; and that the justices of the peace in their open sessions shall and may inquire, by such ways and means as they shall think fitting, into the value of all such lands so given, or to be given; and order the improvement and employment of the rents and profits thereof, according to the will and direction of the donor of such lands, if they find that the persons so intrusted have been negligent or faulty in the performance of their trust (except such lands

Regulations,
with respect to
lands given
for the main-
tenance of
causeways,
pavements,
highways,
and bridges.

as have been given for the uses aforesaid to any college or hall in either of the universities, of this kingdom which have visitors of their own) any law, statute, usage, or custom, to the contrary notwithstanding.

Penalty of pulling up, removing, or destroying, &c. the posts, blocks, banks, &c. set up for the security of horse and foot caufeways;

XXXIV. *And whereas in some places it hath been, and may be, found necessary to secure horse caufeways and foot caufeways to travel upon, in public highways, by posts, blocks, or great stones, fixt in the ground, or by banks of earth cast up, or otherwise, from being broken up and spoiled with waggons, wains, carts, or carriages: and forasmuch as several evil-disposed persons do wilfully or wantonly pull up, cut down, and remove, the said posts, blocks, and great stones, so fixed as aforesaid, and also dig and cast down the said banks, which are the securities and defence of the said caufeways, whereby the caufeways are often ruined and destroyed; and such evil-disposed persons may break, damage, or throw down, the stones, bricks, or wood, fixed upon the parapets or battlements of bridges, and may pull down, destroy, obliterate, or deface, any mile-stone or post graduated, or direction-post or stone, erected, or to be erected, upon any highway: For prevention thereof, be it enacted, That every person who shall be guilty of any such offence shall, upon complaint thereof made to any justice of the peace of the county, riding, division, city, corporation, precinct, or liberty, where the same shall be proved to be done, by the oath of any one credible witness, or upon view of the justice himself, forfeit, for every of the said offences, any sum not exceeding five pounds, nor less than ten shillings; or be committed to the house of correction of such county, riding, division, city, corporation, precinct, or liberty, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days, at the discretion of such justice.*

or the parapets or battlements of bridges, mile-stones, or direction posts; is a sum not exceeding 5l. nor less than 10s.

or being committed to hard labour, and whipt.

Penalty on surveyor's neglect of duty, in instances not otherwise provided for in the act.

XXXV. *And be it further enacted, That if any surveyor of the highways, after his acceptance of the said office, shall neglect his duty in any thing required of him by this act, for which no particular penalty is imposed; he shall forfeit, for every such offence, any sum not exceeding five pounds, nor less than ten shillings; at the discretion of the justice or justices having jurisdiction therein.*

Justices of the peace empowered to put in execution every part of this act.

XXXVI. *And be it further enacted, That the justices of peace of all cities, corporations, boroughs, and other places, are hereby empowered to put in execution every part of this act within their respective jurisdictions.*

No fee to be taken of surveyor accounting, on penalty of 10l.

XXXVII. *And be it further enacted, That no person or persons shall receive any sum of money or fee whatsoever of any surveyor or surveyors of the highways, for the oath taken, or account given, by them, at such special sessions as aforesaid; and if any person or persons shall receive any such sum of money or fee, he shall forfeit the sum of ten pounds.*

Regulations, with respect to

XXXVIII. *And whereas the highways, not being turnpike roads, are much prejudiced by the narrowness of the wheels of the several carriages travelling thereon, and by the excessive burthens loaded in such carriages; be it enacted, That no waggon, having the sole*

or bottom of the fellies of the wheels of less breadth than nine inches, shall go or be drawn with more than six horses; and that no cart, having the sole or bottom of the fellies of the wheels thereof of less breadth than nine inches, shall go or be drawn with more than four horses; and that no waggon, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, shall go or be drawn with more than eight horses; and that no cart, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, shall go or be drawn with more than five horses, respectively, upon such highways; under the pains, penalties, and forfeitures, herein after mentioned (that is to say) that the owner or driver of such waggon or cart respectively, shall forfeit and lose all the horses above the number hereby so respectively limited as aforesaid, with all gears, bridles, halters, and accoutrements, to the sole use and benefit of any person or persons who shall seize or distraint the same.

the number of horses which broad or narrow wheeled waggons and carts are allowed to be drawn with on the highways.

All supernumerary horses are to be forfeited, together with their gears, &c.

XXXIX. And be it further enacted, That no waggon, having the wheels bound with streaks or tire of a less breadth than two inches and an half when worn, or being set or fastened on with rose-headed nails, shall go or be drawn with more than three horses; and that every owner or driver of any such waggon shall forfeit and lose all such horses above the number of three, with all gears, bridles, halters, and accoutrements, to the sole use and benefit of any person or persons who shall seize or distraint the same.

Waggons shod with narrow tire, or set with rose-headed nails, not to be drawn by more than 3 horses, on forfeiture of the supernumerary horses, &c.

numery

XL. Provided also, That the regulations herein before mentioned, concerning the number of horses and wheels of carriages, shall not be deemed or construed to extend to carts, waggons, or other carriages, employed only in carrying any one stone, block of marble, or piece of metal or timber; or to such ammunition or artillery as shall be for his Majesty's service; nor shall be deemed or construed to extend to carts, waggons, or other carriages, employed only in husbandry, or manuring of land; or in carrying of only hay, straw, fodder, or corn unthreshed, till *Michaelmas* one thousand seven hundred and sixty nine.

Carriages excepted out of the above regulations.

XLI. Provided always, and it is hereby enacted and declared, That any person or persons who shall make any seizure or distress, for any of the forfeitures or penalties hereby incurred, shall deliver the horse or horses, or other things, so seized or distrained, into the custody of the constable, headborough, tythingman, or some other officer of the parish, township, or place, where such distress or seizure is made, or of the next parish, township, or place (who are hereby required to receive into their custody, and safely to keep the same) till the person or persons who made such distress or seizure shall make proof upon oath, before some justice of the peace, of the offence committed, which he or they is and are hereby required to make within six days after such seizure or distress; or, in default thereof, such horse or other thing shall be delivered to the owner thereof, and

Rules to be observed, with respect to seizures or distresses made for forfeitures or penalties incurred.

the

the person making such seizure shall pay such reasonable charges to the constable or other officer for the keeping and securing thereof, as the said justice or justices shall allow and direct; and the said justice or justices, before whom such proof is made, are hereby required to issue their precept to such constable or other officer, immediately to deliver the horse or horses, or other things, so forfeited, to the party or parties who seized or distrained the same, to and for his and their sole use and benefit; paying such reasonable charges for keeping and securing thereof, as the said justice or justices shall allow and direct: and every person making seizure of any such horse or other thing, and not prosecuting such seizure within the time and in manner aforesaid, shall forfeit to the owner of such horse or other thing the sum of forty shillings for every such seizure.

XLII. *And, for the better discovery of offenders against this present act,* be it enacted, That the owner of every waggon, wain, or cart, shall place, write, or paint, or cause to be placed, written, or painted, upon some conspicuous part of his waggon, wain, or cart, before he or she shall use or drive the same upon any public highway, his or her christian and surname, and the place of his or her abode, in large legible letters, and continue the same thereupon so long as such waggon or cart shall be used upon any such highway: and if any person or persons shall neglect the same, or place, write, or print, or cause to be placed, written, or printed, any false or fictitious name or place of abode, on such waggon, wain, or cart; he or she shall forfeit, for every such offence, the sum of twenty shillings.

All waggons, wains, and carts, to have the owner's real name, and place of abode, painted on some conspicuous part thereof, in large letters, on penalty of 20 s.

The driver of any cart or dray riding thereon, in any street or highway, without having some person on foot or on horseback to guide the same; (Exception) and the driver of any carriage, who, by negligence or misbehaviour, shall damage or obstruct persons or carriages in passing; or who shall not make way for loaded carriages, forfeits, if not the owner, any sum not exceeding 10s.

XLIII. *And whereas many bad accidents happen, and great mischiefs are frequently done, upon the streets and highways, by the negligence or wilful misbehaviour of persons driving carriages thereon;* be it therefore farther enacted, That if the driver of any cart, car, dray, or waggon, shall ride upon any such carriage in any street or highway, not having some other person on foot or on horseback to guide the same (such carriages as are respectively drawn by one horse only, or by two horses abreast, and are conducted by some person holding the reins of such horse or horses, excepted) or if the driver of any carriage whatsoever, on any part of any street or highway, shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway; or shall, by negligence, or wilful misbehaviour, prevent, hinder, or interrupt, the free passage of any other carriage, or of his Majesty's subjects, on the said highways; or if the driver of any empty or unloaded waggon, cart, or other carriage, shall refuse or neglect to turn aside, and make way for, any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; any such driver offending in any of the cases aforesaid, and being convicted of such offence, either by his own confession, or by the oath of one or more credible witnesses or witnesses, before any justice of the peace of the county, riding, division, city, corporation, precinct, or liberty, where such offence shall be committed, shall, for every such offence,

ence, forfeit any sum not exceeding ten shillings, in case such driver shall not be the owner of such carriage; and, in case the offender be owner of such carriage, then any sum not exceeding twenty shillings; or shall be committed to the house of correction for any time not exceeding one month, at the discretion of such justice: and every such driver, offending in either of the said cases, shall and may, by authority of this act, and without any other warrant, be apprehended by any person or persons who shall see such offence committed; and shall be immediately conveyed or delivered to a constable, or other peace officer, in order to be conveyed before some justice of the peace, to be dealt with according to law.

XLIV. And be it further enacted, That where the justices of the peace in any city or market town, not having already effectual provision made for such city or market town by any former law, or the major part of them, at their general or quarter sessions, shall judge it necessary to appoint a scavenger or scavengers for cleansing the streets therein, the said justices shall and may, from time to time, nominate and appoint such person or persons as they shall think fitting for that purpose; and also to order the repairing of such streets therein as they shall judge necessary; and, for defraying the charges thereof, an assessment or assessments, not exceeding six pence in the pound in one year, shall and may, from time to time, be equally made upon all and every the occupiers of houses, lands, tenements, and hereditaments, in the respective parishes wherein such streets shall lie, within such cities or market towns; and such assessment or assessments shall and may, from time to time, be made by such person or persons, and levied and collected in such manner, as the said justices, by their order at such sessions, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for according to the orders and directions of the said justices, for and towards the repairing and cleansing the said streets from time to time: and the said assessments, being allowed under the hands and seals of such justices, shall and may be levied, by warrant under their hands and seals, by distress and sale of the goods and chattles of such persons not paying the same within eight days after demanded, rendering the overplus (if any be) to the owner; the necessary charges of making, keeping, and selling, such distress, being first deducted.

XLV. And be it further enacted, That it shall and may be lawful for any two or more justices of the peace for any county, riding, division, city, corporation, precinct, or liberty, and they are hereby impowered, from time to time, whenever they shall judge proper, to hold any special sessions, besides that which is herein before directed, for executing the purposes of this act.

XLVI. And be it further enacted, That in case any person or persons shall resist, or make forcible opposition against, any person or persons employed in the due execution of this act; or shall hinder, or attempt to prevent or obstruct, the seizing or distraining of any horse hereby directed to be forfeited for the offences

and if the owner, any sum not exceeding 20 s. or may be committed; and any person may apprehend him, and deliver him over to a constable, to be dealt with according to law.

Justices, at their general or quarter sessions, may appoint scavengers for any city or market town for which no legal provision is already made; and make order for repairing the streets; and making assessments for defraying the charges thereof, to be collected, employed, and accounted for, as they direct, and to be levied by their warrant.

Justices may hold a special sessions whenever they think proper, for the purposes of this act.

Persons forcibly opposing the execution of this act, or obstructing the making a

seizure or distress, or rescuing cattle, or other goods; and constables not duly executing the warrant or precept of any justice; forfeit not exceeding 10l. nor less than 40s. and on non-payment, may be committed for 3 months.

All penalties and forfeitures, and all costs and charges, where not otherwise directed, are to be levied by distress and sale, by warrant of a justice;

one half to the use of the informer, and the other half to the roads; and for want of distress, the party is to be committed;

offences herein before mentioned; or make any rescue of cattle, or other goods, distrained by virtue of this act; or if any constable, headborough, or tythingman, shall refuse or neglect to execute or obey any warrant or precept granted by any justice or justices of the peace, pursuant to the directions of this act; every such person offending therein, and being convicted thereof, shall for every such offence, forfeit any sum not exceeding ten pounds, nor less than forty shillings, at the discretion of the justice, or justices of the peace before whom he or she shall be so convicted, to be paid to the surveyor or surveyors of the highway of the parish, township, or place, where the offence was committed, to be laid out in the repair of the highway: and in case he or she do not forthwith pay, or secure to be paid, the said forfeiture, after such conviction; then it shall and may be lawful for such justice or justices of the peace to commit such person or persons to the common gaol, or house of correction, of the county, riding, division, city, corporation, precinct, or liberty, where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

XLVII. And be it further enacted, That all penalties and forfeitures by this act imposed for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this act (the manner of levying and recovering of which is not hereby otherwise particularly directed) shall be levied by distress and sale of the goods and chattles of the offender, or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the county, riding, division, or place, where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress, if any, to the party or parties, after deducting the charges of making the same; which warrant such justice is hereby empowered and required to grant upon conviction of the offender by confession, or upon the oath of one or more credible witnesses or witnesses, or upon order made as aforesaid; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the highway where such offence, neglect, or default, shall happen; to be employed towards the repair thereof, unless otherwise directed by this act: and in case such distress cannot be found, and such penalties and forfeitures, or the said costs or charges, shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons liable to pay the same respectively, to the common gaol or house of correction of the county, riding, division, or place, where the offence shall be committed, or such order as aforesaid shall be made, for any time not exceeding three months; unless the said penalty, forfeiture, costs, or charges, shall respectively be sooner paid: and if such offender or offenders, or per-

Persons liable or ordered to pay the same respectively, shall and where he shall live out of the jurisdiction of the justice authorized to grant such warrant, the justice of the place, upon application, and copy of the conviction or order produced, shall issue his warrant accordingly, &c.

Persons liable or ordered to pay the same respectively, as aforesaid if no sufficient distress can be had, to commit such offenders, or person or persons liable as aforesaid, to common gaol or house of correction of such county, riding, or place, for the time and in manner aforesaid.

III. And be it further enacted, That every prosecutor or party may, at his election, sue for and recover any forfeiture or penalty imposed by this act, either in the manner herein directed, or by action at law, to be brought by such informer or prosecutor in any of his Majesty's courts of record in the following; (that is to say) where any person shall be liable to such pecuniary penalty, it shall and may be lawful to sue and recover the same by action of debt; in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of being forfeited the penalty is

An act to explain, amend, and reduce into one act passed in the seventh year of the reign of his present Majesty, the several statutes now in being for the amendment and preservation of the public highways of this kingdom; and for the purposes therein mentioned; and where the penalty or forfeiture is or shall be of any horse or other goods, by an action of trespass against the person liable to such penalty or forfeiture, where the evidence of the forfeiture shall be sufficient evidence of property to the plaintiff; and in which the value of such horse or other goods as is or are liable to the forfeiture, shall be given in damages without any proof of seizure or demand; and the plaintiff shall recover in any such action, shall have double costs: that there shall not be more than one recovery for the same offence; and that ten days notice, in writing, be given to the party offending, previous to the commencement of such action and that the same be brought and commenced within one month after the offence, for which such action is brought, shall have been committed.

X. Provided always, and be it further enacted, That No conviction shall be had or made by virtue of this act, unless upon confession of the party accused, or upon the oath of one credible witness or witnesses; and that any inhabitant of any parish, township, or place, in which any offence shall be committed, shall be liable to be summoned to appear before the justice of the peace for the same, and to give evidence in relation thereto.

seizure or distress, or rescuing cattle, or other goods; and constables not duly executing the warrant or precept of any justice; forfeit not exceeding 10l. nor less than 40s. and on non-payment, may be committed for 3 months.

All penalties and forfeitures, and all costs and charges, where not otherwise directed, are to be levied by distress and sale, by warrant of a justice;

one half to the use of the informer, and the other half to the roads; and for want of distress, the party is to be committed;

offences herein before mentioned; or make any rescue of cattle, or other goods, distrained by virtue of this act; or if any constable, headborough, or tythingman, shall refuse or neglect to execute or obey any warrant or precept granted by any justice or justices of the peace, pursuant to the directions of this act; every such person offending therein, and being convicted thereof, shall for every such offence, forfeit any sum not exceeding ten pounds, nor less than forty shillings, at the discretion of the justice, or justices of the peace before whom he or she shall be so convicted; to be paid to the surveyor or surveyors of the highway of the parish, township, or place, where the offence was committed, to be laid out in the repair of the highway: and in case he or she do not forthwith pay, or secure to be paid, the said forfeiture, after such conviction; then it shall and may be lawful for such justice or justices of the peace to commit such person or persons to the common gaol, or house of correction, of the county, riding, division, city, corporation, precinct, or liberty, where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

XLVII. And be it further enacted, That all penalties and forfeitures by this act imposed for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this act (the manner of levying and recovering of which is not hereby otherwise particularly directed) shall be levied by distress and sale of the goods and chattles of the offender, or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the county, riding, division, or place, where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress, if any, to the party or parties, after deducting the charges of making the same; which warrant such justice is hereby empowered and required to grant upon conviction of the offender by confession, or upon the oath of one or more credible witnesses or witnesses, or upon order made as aforesaid; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer, and the other half to the surveyor of the highway where such offence, neglect, or default, shall happen; to be employed towards the repair thereof, unless otherwise directed by this act: and in case such distress cannot be found, and such penalties and forfeitures, or the said costs or charges, shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons liable to pay the same respectively, to the common gaol or house of correction of the county, riding, division, or place, where the offence shall be committed, or such order as aforesaid shall be made, for any time not exceeding three months; unless the said penalty, forfeiture, costs, or charges, shall respectively be sooner paid: and if such offender or offenders, or person

on or persons liable or ordered to pay the same respectively, shall and where he shall live out of the jurisdiction of the justice or justices hereby authorized to grant such warrant; it shall and may be lawful for any justice of the peace of the county, riding, division, or place, wherein such person shall inhabit; and every such justice is hereby required, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture or penalty was incurred, or of the order for the payment of such costs or charges produced and proved by a credible witness upon oath, by warrant under his hand and seal, to cause the penalty or forfeiture mentioned in such conviction, or the costs or charges mentioned in such order, to be levied by distress and sale of the goods and chattles of such offender or offenders, or person or persons liable or ordered to pay the same respectively, as aforesaid; and if no sufficient distress can be had, to commit such offender or offenders, or person or persons liable as aforesaid, to the common gaol or house of correction of such county, riding, division, or place, for the time and in manner aforesaid.

XLVIII. And be it further enacted, That every prosecutor or informer may, at his election, sue for and recover any forfeiture or penalty imposed by this act, either in the manner herein before directed, or by action at law, to be brought by such informer or prosecutor in any of his Majesty's courts of record in manner following; (that is to say) where any person shall be liable to such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt; in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of being forfeited the penalty is one; by an act passed in the seventh year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several statutes now in being for the amendment and preservation of the public highways of this kingdom; and for other purposes therein mentioned;* and where the penalty or forfeiture is or shall be of any horse or other goods, by an action of trover against the person liable to such penalty or forfeiture, in which the forfeiture shall be sufficient evidence of property to the plaintiff; and in which the value of such horse or other goods, as is or are liable to the forfeiture, shall be given in damages, without any proof of seizure or demand; and the plaintiff, if he recover in any such action, shall have double costs: or by action of trover, where the penalty or forfeiture is a horse, or other goods; and recovery is intitled to double costs. provided that there shall not be more than one recovery for the same offence; and that ten days notice, in writing, be given to the party offending, previous to the commencement of such action; and that the same be brought and commenced within one calendar month after the offence, for which such action is brought, shall have been committed.

XLIX. Provided always, and be it further enacted, That no conviction shall be had or made by virtue of this act, unless upon confession of the party accused, or upon the oath of one or more credible witnesses or witnesses; and that any inhabitant of any parish, township, or place, in which any offence shall be committed No conviction to be had, but upon confession of the party, or oath of a witness.

Inhabitants deemed competent witnesses.

Justices empowered to administer oaths, in all cases relative to the execution of this act.

Distress for money not deemed unlawful, &c. for default of form in the proceedings; nor the party making it a trespasser *ab initio*, on account of any subsequent irregularity.

Plaintiff in any action for irregularity, &c. not to recover, where tender of amends has been made before action brought. Defendant allowed to pay money into court before issue joined.

Persons aggrieved, where no other method of relief is appointed, or injured by the inclosing any common highway, may appeal to the general quarter sessions;

giving notice of such intention, and entering into recognizance, &c.

committed contrary to this act, shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place.

L. And be it further enacted, That it shall and may be lawful for any justice or justices of the peace to administer an oath to any witness or witnesses, or other person or persons, for the better discovery and execution of the several matters or things herein before authorized or directed to be examined, inquired into, or performed, by such justice or justices respectively.

LI. And be it further enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining; but the person or persons aggrieved by such irregularity, may recover full satisfaction for the special damage in an action on the case.

LII. Provided always, That no plaintiff or plaintiffs shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed, or caused to be committed, any such irregularity, trespass, or wrongful proceedings, before such action brought: and in case no such tender shall have been made, it shall and may be lawful for the defendants in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings, or orders and judgement, shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

LIII. Provided also, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, and for which no particular method of relief hath been already appointed; or if any person shall, at any time hereafter, think himself or herself injured by the inclosing of any common highway, after a writ of *ad quod damnum* issued, and inquisition thereupon taken; then, in any of the said cases, every such person may appeal to the justices of the peace at any general quarter sessions of the peace to be held for the county, riding, division, city, corporation, precinct, or liberty, wherein the cause of such complaint shall arise, and within four months after the cause of such complaint shall have arisen, or after the inclosing of such common highway as aforesaid; such appellant giving, or causing to be given, eight days notice at the least in writing of his or her intention to bring such appeal, and of the matter thereof, to the justice or other person or persons against whom such complaint shall be made; and, within four days after such notice, entering into recognizance before some justice

of the peace for the said county, riding, division, city, corporation, precinct, or liberty, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by, the justices of such quarter session; and every justice of the peace, and other person, having received notice of such appeal as aforesaid, shall return all proceedings whatsoever had before them respectively, touching the matter of such appeal, to the said justices at their general quarter sessions aforesaid, on pain of forfeiting five pounds for every such neglect; and the said justices at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they, the said justices, shall think proper; to be levied and recovered as herein before directed; and the determination of such quarter sessions shall be final and conclusive to all intents and purposes; and that no proceeding to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or removed by *Certiorari*, or any other writ or process whatsoever, except as herein before mentioned, into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

LIV. Provided, That no such appeal shall be made against any conviction, for the forfeiture of any horse or other beast by virtue of this act, unless the person convicted shall, at the time of such conviction, give notice of his or her intention to appeal; and at the same time enter into recognizance, with sufficient sureties, to pay the value of such horse or other beast, in case such conviction shall be affirmed upon such appeal; and upon his or her giving such security, such horse or other beast shall be forthwith delivered to such person. Proceedings had before any justice, relative to the matter of such appeal, to be returned to the general quarter sessions, on penalty of 5l. Court to proceed in a summary way, and award proper costs; and their determination to be final.

and recognizance, with sureties, entered into; and horse to be thereupon returned. Where appeal is made against the conviction for the forfeiture of any horse, &c. Notice of appeal is to be given at the time of conviction.

LV. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then, and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same, and every such action or suit, shall be brought in the county, riding, division, city, corporation, precinct, or liberty, where the person against whom such action or suit shall be commenced doth ordinarily inhabit and reside, or in which the fact was committed, and not elsewhere; and the defendant or defendants, in every such action or suit, shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this present act: and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county, riding, division, city, corporation, precinct, or liberty, Limitation of actions.

than General issue.

than as afore-mentioned, then the jury shall find for the defendant or defendants; or, if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs; the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any other cases by law.

Treble costs.

Commence-
ment of this
act.

LVI. And be it further enacted, That this act, and every clause, provision, and regulation, herein contained, shall commence and take effect on the twenty first day of *September* next.

Repeal of act
13 Edw. 1;

LVII. *And, to the intent that there may be only one law subsisting for the several purposes aforesaid, be it further enacted and declared, That from and after the twenty first day of September next following, an act passed in the thirteenth year of the reign of King Edward the First, ascertaining the breadth of highways leading from one market town to another; as also an act passed in the fourteenth and fifteenth of King Henry the Eighth, for altering of highways in the Weld of Kent; as also an act or bill passed in the twenty sixth of King Henry the Eighth, intituled, The bill for the highways in the county of Suffex; as also an act passed in the second and third of King Philip and Queen Mary, intituled, The statute for the mending of highways; as also an act passed in the fifth of Queen Elizabeth, intituled, An act for the continuance of the statute made second and third Philip and Mary, for the amendment of highways; as also an act passed in the eighteenth of Queen Elizabeth, intituled, An act of addition unto the former acts for amending and repairing of highways; as also an act passed in the twenty seventh of Queen Elizabeth, intituled, An act for explaining of the statute for the amending of the highways between Middleton and the King's Ferry leading into the isle of Sheppey in the county of Kent; as also an act passed in the thirty ninth of Queen Elizabeth, intituled, An act for the amendment of highways in Suffex, Surry, and Kent; as also so much of an act passed in the twenty second of King Charles the Second, (intituled, An additional act for the better repairing of highways and bridges) as relates to the highways; as also so much of an act passed in the second of King William and Queen Mary (intituled, An act for paving and cleansing the streets in the cities of London and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex and in the borough of Southwark, and other places within the weekly bills of mortality in the county of Surry, and for regulating the markets therein mentioned) as relates to the power therein given to make assessments for the purpose of repairing the highways; as also so much of an act passed in the third year of King William and Queen Mary, (intituled, An act for the better repairing and amending the highways, and for settling the rates of carriage of goods) as relates to the highways; as also an act passed in the seventh and eighth of King William the Third, intituled, An act for the better amending and repairing the highways, and explanation of the laws relating thereunto; as also an act passed in the*

14 & 15 Hen.
8;

16 Hen. 8;

2 & 3 Phil. &
Mary;

5 Eliz.

18 Eliz.

27 Eliz.

39 Eliz.

and so much
of act 22
Car. 2, as re-
lates to high-
ways;

and so much of
act 2 Will. &
Mary, as re-
lates to the
power of mak-
ing assess-
ments for re-
pairing the
highways;

and so much
of act 3 Will.
& Mary, as re-
lates to high-
ways;

Act 7 & 8
Will. 3;

8 & 9 Will. 3;

eight

eighth and ninth of King *William* the Third, intituled, *An act for enlarging common highways*; as also an act passed in the sixth ⁶ Annæ. of Queen *Anne*, intituled, *An act to repeal a clause in an act of the seventh year of the reign of his late Majesty, for amending and repairing the highways*; which enjoins waggoners and others to draw with a pole between the wheel horses, or with double shafts, and to oblige them to draw only with six horses or other beasts, except up hills; as also an act of the ninth of Queen ⁹ *Anne*, intituled, *An act to render more effectual an act made in the sixth year of her present Majesty, intituled, An act to repeal a clause in an act of the seventh year of the reign of his late Majesty for amending highways, which enjoins waggoners and others to draw with a pole between the wheel horses, or with double shafts, and to oblige them to draw only with six horses or other beasts, except up hills*; as also an act passed in the ¹ Geo. 1. first year of King *George* the First, intituled, *An act to restrain all waggoners, carriers, and others, from drawing any carriage with more than five horses in length*; as also another act passed ¹ Geo. 1. in the first year of King *George* the First, intituled, *An act for making the laws for repairing the highways more effectual*; as also an ⁵ Geo. 1. act passed in the fifth year of *George* the First, intituled, *An act for making more effectual the several acts passed for repairing and amending the highways of this kingdom*; as also an act passed in the ⁷ Geo. 2. seventh year of his late majesty King *George* the Second, intituled, *An act to explain and make more effectual the laws in being to oblige the possessors of lands adjacent to common highways, to cut and keep such low hedges as are adjoining to the said highways*; as also ^{and so much of an act} ⁹ *Geo. 2.* so much of an act passed in the ninth year of the reign of his ^{as extends the clause in act} ¹ *Geo. 1.* late majesty King *George* the Second, intituled, *An act for reviving and continuing the acts therein mentioned, and for explaining and amending a clause in an act made in the first year of the reign of his late majesty King George the First, intituled, An act for making the laws for repairing the highways more effectual; relating to the appointing scavengers in cities and market towns, and the ordering the assessments for the repairing and cleansing the streets therein, as extends the clause in the said act, made in the first year of King George the First, unto market towns; as also so much of an act passed in the fourteenth year of King ^{and so much of an act} ¹⁴ *Geo. 2.* *George* the Second, intituled, *An act for the preservation of the publick roads in that part of Great Britain called England, as relates to the highways of this kingdom, not being turnpike roads; as also an act passed in the fifteenth year of King ^{the highways not being turnpike roads;} *George* the Second, intituled, *An act to repeal so much of an act passed in the last sessions of parliament, intituled, An act for the preservation of the publick roads in that part of Great Britain called England, as obliges persons, not travelling for hire, to make use of waggons with wheels bound with streaks or tire of a certain breadth, or the said streaks to be fastened with nails of a certain size*; as also an act passed in the sixteenth year of King ¹⁶ *Geo. 2.* *George* the Second, intituled, *An act for allowing carts to be drawn with four horses*; as also an act passed in the twenty sixth year ²⁶ *Geo. 2.***

and so much
of act 30 Geo.
2, as relates
to the publick
streets or
common
highways, not
within London
or Westmin-
ster, or limits
of the weekly
bills.

year of King George the Second, intituled, *An act for the preventing of the inconveniences and dangers that may arise from the present methods of digging gravel, sand, stone, chalk, and other materials, on the several commons and waste grounds within the kingdom, for the repair of the highways, and for other purposes*; as also so much of an act passed in the thirtieth year of the reign of his late majesty King George the Second, intituled, *An act to explain and amend an act made in the eighteenth year of his present Majesty's reign, to prevent the misbehaviour of the drivers of carts in the streets in London, Westminster, and the limits of the weekly bills of mortality, and for other purposes in this act mentioned*; as relates to the publick streets or common highways of this kingdom, not being within the cities of London or Westminster, or within the limits of the weekly bills of mortality; shall be, and the same are hereby, repealed.

C A P. XLIII.

An act to amend and enforce the acts of the eighteenth, twenty first, and thirty second years of the reign of his late majesty King George the Second, for the more effectual preventing the fraudulent importation and wearing of cambricks and French lawns.

Preamble, re-
citing acts 18.
Geo. 2.

21 Geo. 2.

and 33 Geo. 2.

No cambrick
or French
lawn to be
imported into
any part of
Great Britain,
and in British
ships navigat-
ed according
to law;
notice thereof
also being first
given to the
commission-
ers of the cu-
stoms,

WHEREAS an act passed in the eighteenth year of the reign of his late majesty King George the Second, intituled, An act for prohibiting the wearing and importation of cambricks and French lawns; and also one other act passed in the twenty first year of the reign of his said late Majesty, intituled, An act for explaining, amending, and enforcing, an act made in the eighteenth year of the reign of his present Majesty, intituled, *An act for prohibiting the wearing and importation of cambricks and French lawns; and another act made in the thirty second year of the reign of his said late majesty King George the Second, intituled, An act for the more effectual preventing the fraudulent importation of cambricks and French lawns, have been found ineffectual: may it therefore please your Majesty, that it may be enacted*; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and sixty seven, no cambrick or French lawn shall be imported into any part of Great Britain, except into the port of London only.

II. And be it further enacted by the authority aforesaid, That no such cambrick or French lawn shall be allowed to be imported into the port of London from any part beyond the seas, except in British ships navigated according to law; and except notice be first given to the commissioners of his Majesty's customs of the species, and quantity, and marks of the packages, of such cambricks and French lawns, and the name of the ship in which the same are intended to be imported; and a licence

given under the hands of the commissioners of his Majesty's customs in *England* for the time being, or any three of them, for the landing thereof, within thirty days from the date of such licence; which licence they are hereby authorized and required to grant without any fee or reward, or any other charge to the person demanding the same: and if any cambricks or *French* lawns shall be imported into *Great Britain* contrary to the intention of this act, or without such licence as is herein before directed, such goods, with the package containing the same, together with the ship or vessel in which the same shall be imported, shall be forfeited and lost, and shall and may be seized and prosecuted as herein after mentioned; any law, custom, or usage, to the contrary notwithstanding.

and a licence obtained for the landing;

otherwise they are liable to forfeiture, together with the vessel.

III. Provided always, That no such licence shall be granted for the importation or landing of any cambricks or *French* lawns in any other package, or in any less quantity, than is directed and allowed by the last recited act of the thirty second year of the reign of his late majesty King *George* the Second.

Licence to be restrained to the package, and quantity, prescribed by act 32 Geo. 2.

IV. And it is hereby further enacted, That such licence shall be produced and delivered up by the master or person taking charge of the ship wherein such cambricks or *French* lawns shall be imported, together with the marks, numbers, and contents of each package, endorsed on the back thereof, to the collector and comptroller of the customs, at the time of entering and reporting such ship, on the forfeiture of one hundred pounds; and such cambricks and *French* lawns shall upon landing, be warehoused under the like rules, regulations, and restrictions; and shall not be afterwards delivered out of such warehouse, but on condition to be exported to some of the *British* colonies or plantations in *America*, under the like securities and restrictions as are expressed and directed in the said last recited act of the thirty second year of the reign of King *George* the Second, and upon payment of the same duties as they are now liable to by law.

and to be delivered up by the master, &c.

at the time of entering and reporting the vessel; and the goods to be warehoused; and delivered out for exportation only.

V. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty eight, no cambrick or lawn whatsoever shall be imported from the kingdom of *Ireland*, into any part of *Great Britain*, until the importation of cambricks and *French* lawns into the kingdom of *Ireland* shall be prohibited by law, upon pain of forfeiting the said goods, and the further penal sum of five pounds for every piece of cambrick or lawn so imported.

No cambrick or lawn to be imported from *Ireland*, till the importation of cambricks and *French* lawns into that kingdom be prohibited by law.

VI. And be it further enacted by the authority aforesaid, That from and after the said first day of *July*, one thousand seven hundred and sixty seven, where any ship or vessel whatsoever coming or arriving from foreign parts, and having on board any cambrick or *French* lawns, without such licence as is herein before directed, shall be found at anchor or hovering within the limits of any of the ports of *Great Britain*, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage,

Vessels from foreign parts found hovering on the coast, &c. having on board any cambrick or *French* lawns not licenced,

wind and weather permitting, (unless in case of unavoidable necessity and distress of weather, of which necessity and distress the master, purser, or other person, having or taking the charge or command of such ship or vessel, shall give notice to, and make proof of before, the collector or other chief officer of the customs of such port as aforesaid, immediately after the arrival of such ship or vessel into the said port) all such cambrick or *French* lawn, together with the chests, boxes, and other package whatsoever, containing the same goods, and the ship or vessel on board which the same shall be found, or the value thereof, shall be forfeited and lost (whether bulk shall have been then broken or not) and the same goods and package, shall and may be seized and prosecuted, or the value thereof be recovered by any officer or officers of the customs or excise, in manner herein after mentioned; any law, statute, or custom to the contrary notwithstanding.

are liable to forfeiture, together with the goods.

Foreign cambrick, or *French* lawn, found in possession of any hawker or pedler, are liable to forfeiture, with all the other goods in the pack.

Goods seized to be deposited in the King's warehouses, and to be free to inspection;

and, after condemnation, to be stamped.

and sold for exportation.

The money arising by the sale to be divided between the crown and the officer.

Bond to be given for the due exportation thereof;

VII. And be it further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty seven, if any foreign cambrick or *French* lawn shall be found in the possession of any hawker, pedler, or petty chapman, such hawker, pedler, or petty chapman, shall not only forfeit such foreign cambricks and *French* lawns, but also all the other goods contained in the pack where such goods shall be found; and shall also be adjudged to have forfeited his licence.

VIII. And be it further enacted by the authority aforesaid, That forthwith, after the seizure of any such cambricks or *French* lawns, or as soon after as conveniently may be, the same shall be sent to, and deposited in, one of the King's warehouses belonging to the custom-house in *London*; and all and every such cambricks and *French* lawns may, from time to time, be viewed and inspected by any person or persons on behalf of the prosecutor or prosecutors, or of the person or persons interested in, or claiming the said cambricks or *French* lawns; and the commissioners of his Majesty's customs are hereby required to make and give sufficient orders from time to time for that purpose; and after condemnation thereof, in due course of law, all and every such cambricks or *French* lawns shall be stamped or marked in such manner as the commissioners of the customs in *England*, or any three or more of them, shall direct; and shall be publicly sold to the best advantage, for exportation to the *British* colonies or plantations in *America* only; and one moiety of the produce or money arising by the sale of such cambricks and *French* lawns shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof to the use of the officer or officers who shall seize and secure the same: and no such cambricks or *French* lawns shall be sold otherwise than on condition to be exported as aforesaid; and shall not be delivered out of the warehouse or place wherein the same shall have been secured, until sufficient security, by bond shall be first given to the King's majesty, his heirs, and successors, which the

the commissioners of his Majesty's customs are hereby impowered and required to take, that the same, and every part thereof, shall be exported as aforesaid, and not landed again in any place except the said colonies or plantations; which bonds shall and may be discharged without fee or reward upon, certificate returned, signed by the collector or other proper officer of such colony or plantation, that the goods were there landed; or upon proof by two credible persons that such goods were taken by the enemies, or perished in the seas, the examination and proof thereof being hereby left to the judgement of the said commissioners; which commissioners are hereby impowered and required, from time to time, to call upon the person or persons who have entered into such security to produce such certificate or proof as aforesaid; and in default of producing such certificate or proof, to the satisfaction of the said commissioners, such bonds shall and may be put in suit, and prosecuted by order of the said commissioners, against the person or persons who shall so make default, in such manner as offences of the like kind are sued or prosecuted by any law or statute of this realm.

to be discharged upon certificate according to on proof of the goods having been taken by the enemy, or lost at sea; otherwise to be put in suit.

IX. And be it further enacted by the authority aforesaid, That if any officer or officers shall neglect or refuse, for the space of one month after the condemnation of such goods, to prosecute to effect any person or persons for any penalty or forfeiture by this act inflicted upon offenders against the same; that then, and in every such case, it shall be lawful for any person or persons whomsoever to sue for, prosecute, and recover the respective penalties or forfeitures by this act inflicted, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Westminster*, or court of exchequer in *Scotland*, together with costs of suit; wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and that one moiety of such penalties and forfeitures shall be to the use of the King's majesty, his heirs, and successors, and the other moiety thereof to such person or persons as shall sue for, and recover the same.

Where, after condemnation, officer shall neglect to sue for the penalty.

any person may sue for, and recover the same;

to be divided between the crown and prosecutor.

X. And be it further enacted by the authority aforesaid, That all cambricks, or goods of the kind usually known under that denomination, which from and after the twenty ninth day of *September*, one thousand seven hundred and sixty seven, shall be woven or fabricated in *Great Britain*, shall be marked or stamped at each end of every piece with such mark or stamp, and by such officer or officers, as the commissioners of the excise in that part of *Great Britain* called *England*, and that part of *Great Britain* called *Scotland*, shall respectively direct and appoint for that purpose.

Cambricks fabricated in *Great Britain* to be stamped at each end.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said respective commissioners of excise for the time being, or the major part of them from time to time, upon request made to them by any such person or persons, and at the expence of such person or persons, to provide such marks or stamps as to the said respective

Commissioners of excise, upon request made to them by the maker or proprietor of cambricks,

may order
stamps to be
made ;
or direct and
appoint of-
ficers to stamp
the pieces,

for which they
are to be paid
as the com-
missioners
shall direct.

Notice for the
purpose to be
given to the
officers, and
the goods to
be stamp be-
fore they are
cut out of the
loom,

on penalty of
5l.

and forfeiture
of the goods.

Officer to at-
tend, on rea-
sonable notice
given him,

commissioners, or the major part of them, shall seem proper ; or to direct and appoint one or more supervisor or other officer or officers of the excise, of the district or division in which any such manufacture shall be carried on, to mark or stamp each and every piece of such cambrick, or goods of the kind usually known under that denomination, which shall be made, wove, or fabricated, by such person or persons applying as aforesaid, with such mark or stamp, or marks or stamps, in manner herein after mentioned and directed ; and the officer or officers of excise who shall be so appointed to mark or stamp such goods, shall, by the fabricator, maker, weaver, or proprietor of such goods, be paid, for every piece of such goods which he or they shall mark or stamp in pursuance of this act, such sum as the commissioners of excise for the time being, or the major part of them, shall direct and appoint.

XII. And be it further enacted by the authority aforesaid, That all and every person and persons who shall weave, fabricate, or make, any such cambrick, or goods of the kind usually known by that denomination, shall, before the same shall be taken or cut out of the loom, give notice in writing of finishing of every or any piece or pieces of such goods, to such supervisor or other officer as aforesaid ; who, before any such piece of goods shall be cut out of the loom, shall mark or stamp both ends of such piece of goods with such mark or stamp as shall be provided and appointed for that purpose in manner aforesaid ; upon pain that every person who shall weave, make, or fabricate, such cambrick, or goods of the kind usually known by that denomination, and shall cut or take any piece of such goods out of the loom after the same shall have been finished, or permit the same to be done without having first given such notice in writing, and having such piece marked or stamped as aforesaid, shall, for every such offence, forfeit the sum of five pounds ; and the goods so cut out of the loom, without such notice being given, and such marks or stamps being set thereon, in manner herein before directed, shall be forfeited, and shall and may be seized by any officer or officers of the customs or excise.

XIII. And be it further enacted by the authority aforesaid, That every supervisor, or other officer of the excise of the district in which any such manufacture of cambrick, or goods of the kind usually known by or under that denomination, shall be carried on, who shall be so as aforesaid appointed by the commissioners of the excise, or the major part of them, to mark or stamp such goods upon reasonable notice given to him or them by any person or persons who shall make, weave, or fabricate, any such goods, that any piece of such goods is finished, shall forthwith, or as soon as conveniently may be, consistent with other the duty and business of his office, in manner herein before directed, mark or stamp both ends of such piece of goods with such mark or stamp as shall be so appointed and provided for that purpose ; and also fix or set a distinct and separate number to every piece

of such goods, before the same shall be taken out of the loom; and also make a just and true entry in writing, in proper books to be provided for that purpose at the expence of the manufacturer of such goods, of the number set to each piece of such goods, and the number of yards which each piece of such goods shall contain in length; and also the number of threads contained in the warp of each piece of such goods; upon pain that every supervisor, or other officer so appointed as aforesaid, who shall, upon reasonable notice given as aforesaid of the finishing of any piece of such goods, neglect or refuse to mark or stamp any piece of such goods in manner herein before directed, or to fix or set a distinct and separate number on each piece of such goods, or to make a true and just entry in manner aforesaid of the number set or affixed to each piece of such goods, and of the number of yards which each piece thereof shall contain in length, and also the number of threads contained in the warp of each piece of such goods; shall, for every such refusal or neglect, forfeit and pay the sum of five pounds sterling money.

in order to affix the stamps; and he is to make entry of the N^o set to each piece, and the N^o of yards it contains, and the N^o of threads in the warp;

on forfeiture of 5l.

XIV. And be it further enacted by the authority aforesaid, That if any such supervisor, or other officer or officers of the excise, who shall be so appointed to seal or stamp such cambricks, or who shall have the custody of any mark or stamp which shall be so provided and appointed to mark or stamp such goods, shall therewith mark or stamp any cambricks or lawns, or goods of the kind usually known by or under those denominations, which shall not have been made, wove, or fabricated in *Great Britain*, or shall knowingly permit it to be done; or shall mark or stamp any piece of such goods, after the same shall be taken out of the loom; every such supervisor, or other officer or officers, so marking or stamping any such cambricks or lawns, or goods of the kind usually known under either of those denominations, or wilfully or knowingly permitting the same to be done contrary to the true intent and meaning of this act, shall forfeit the sum of fifty pounds for every piece of such goods which he or they shall so mark or stamp, or permit or suffer to be marked or stamped, contrary to the true intent and meaning of this act; and such supervisor, or other officer or officers, upon being convicted of either or any of the offences aforesaid, shall lose his or their office or offices and employments, and is and are hereby declared and rendered ever after incapable of having, using, or enjoying, any office or place of trust under his Majesty, his heirs, and successors.

Officers fraudulently stamping, or permitting to be so done, any goods not fabricated in Great Britain,

or after their being taken out of the loom, forfeits 50l. per piece,

and is incapacitated;

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall, by bribery, fraud, covin, deceit, or imposition, or in any other manner whatsoever, prevail on, or procure any officer or officers of the excise, or other person who shall be appointed to mark or stamp any cambricks, or who shall have the custody of any mark or stamp, to mark or stamp any piece or pieces of cambrick or lawn, or of goods of the kind usually known under either of those denominations, which shall not have been actually and *bona fide* made, wove, or fabricated,

and the persons concerned in procuring such fraud to be committed;

their aiders and abettors, forfeit 100l. and to stand in the pillory; and persons attempting by bribery, or otherwise, to corrupt officers, to affix the stamps falsely to any piece,

forfeit 50l.

Officer to transmit to the commissioners of excise an account yearly of the N^o of pieces stamped by him;

and a copy of his entries;

distinguishing the manufacturers;

on penalty of dismission.

The stamps to be delivered up on demand, or order of the commissioners.

on forfeiture of 200l.

in *Great Britain*; or after the same shall have been cut or taken out of the loom, contrary to the true intent and meaning of this act; all and every such offender and offenders, and his and their aiders, abettors, and assistants, being thereof lawfully convicted, shall for every such offence, forfeit and lose the sum of one hundred pounds, and be adjudged to stand in the pillory two hours: and if any person or persons shall give, pay, or secure, or offer to give, pay, or secure, to any such officer or officers, or other person as aforesaid, any bribe, recompence, or reward, of any kind whatsoever, in order to corrupt, persuade, or prevail on, such officer or officers, or other person, to set or affix such mark or stamp as aforesaid to any piece or pieces of cambrick, directed by this act to be marked or stamped, which shall not have been actually and *bona fide* made, wove, and fabricated, in *Great Britain*, or after the same shall have been taken out of the loom; such person or persons so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

XVI. And be it further enacted by the authority aforesaid, That all and every supervisor, or other officer or officers of excise, who shall in manner aforesaid be appointed to mark or stamp any cambricks in pursuance of this act, shall yearly and every year (while such officers shall have the custody of any such stamp provided and appointed for that purpose in manner aforesaid) in the month of *June*, transmit and send to the commissioners of excise in *London* or *Edinburgh* respectively, a full, true, and just, account, in writing, of all and every piece and pieces of such goods which he or they shall mark or stamp in pursuance of this act; and also a true copy of all and every entry or entries, of any kind whatsoever, which he or they shall make in any such book or books provided for that purpose, in any wise relating thereto, for and during the twelve calendar months next preceding the said month of *June*; distinguishing in such accounts the several manufacturers or proprietors, if there shall be more than one such in such officers district, who shall have made or be owners of such goods; upon pain of being dismissed from his or their employ as an officer or officers of the excise: and all and every such officer or officers having the custody of any such mark or stamp as aforesaid, his or their executors or administrators, or such other person or persons in whose custody or power the same shall fall or come by the death of such officer or officers, or in any other manner, shall, upon demand or order from or by the commissioners of excise, or the major part of them, deliver up to such commissioners, or such person or persons as they shall appoint to receive the same, all and every such mark or stamp which shall have been delivered to such officer or officers, or by any other means come or fallen into the hands, custody, or power, of such officer or officers, or other persons whatsoever; upon pain that any such officer or officers, or other persons, refusing or neglecting so to do, upon any such order or demand as aforesaid, shall forfeit and lose the sum of two hundred

hundred pounds; to be recovered and applied in manner herein after mentioned.

XVII. And be it further enacted by the authority aforesaid, That if any cambrick, or goods of the kind usually known by or under that denomination, made, wove, or fabricated, in *Great Britain*, after the said twenty ninth day of *September*, one thousand seven hundred and sixty seven, shall be found in any place whatsoever in *Great Britain*, without being marked or stamped at each end of every whole and entire peace, and at one end of every remnant of such cambrick, or goods of the kind usually known by or under that denomination, all such goods shall be forfeited, and shall and may be seized by any officer of the excise or customs; and such officer or officers is and are hereby indemnified for seizing such goods; and such goods so seized shall be deposited in the King's warehouse at the custom house at *Londou*, or in the excise office next to the place where the same shall be seized; and after condemnation thereof, by due course of law, shall be publickly sold to the best bidder; and that one moiety of the produce arising from the sale thereof, after deducting the charges and expences attending the condemnation and sale of such goods, shall be to the use of his Majesty, his heirs, and successors, and the other moiety to such officer or officers who shall seize or sue for the same; and all and every person or persons who shall sell or expose to sale, or have in his or their custody for that purpose, any cambrick, or goods of the kind usually called or known by or under that denomination, made and fabricated in *Great Britain*, and not marked or stamped at both ends of every entire piece, or at one end of every remnant of such goods, in manner by this act directed, shall, for every such offence, forfeit the sum of two hundred pounds; to be recovered and applied in manner herein after directed.

Goods found not legally stamped,

are liable to forfeiture and may be seized, and deposited in the King's warehouses;

and after condemnation, publickly sold.

Money arising by the sale, after deducting all charges,

to be divided between the crown and the officer.

Persons exposing to sale unstamped goods, forfeit 200 l.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times hereafter, forge or counterfeit any mark or stamp, to resemble any mark or stamp which shall be provided or used in pursuance of this act; or shall forge, resemble, or counterfeit, the impression of any such mark or stamp, upon any goods required by this act to be marked or stamped; or shall import or bring into *Great Britain* any foreign cambricks or lawns, or goods of the kind usually called or known by or under either of those denominations, having any such counterfeit mark, stamp, or impression thereon; or sell or expose to sale any cambricks or lawns, or goods of the kind usually known by or under either of those denominations, with such counterfeit mark, stamp, or impression thereon, knowing such mark or stamp to be counterfeited; every such person so offending, being thereof lawfully convicted, shall be judged guilty of felony, and shall suffer as in cases of felony without benefit of clergy.

Penalty of forging or counterfeiting any stamp;

or importing or exposing to sale, any goods with a counterfeit stamp thereon,

is felony.

XIX. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of excise in *England*, for the time being, or the major part

The commissioners may order all such goods made,

or begun to be made in Great Britain or Ireland, before the commencement of the act, to be stamped, tho' taken out of the loom ;

and the same may be lawfully sold.

Officer to make due entry of all such pieces.

Persons possessed of cambricks or clear lawns, before 1 July, 1767, not duly stamped, may deposit the same, before 1 August next, in warehouses for exportation ; upon payment of the half subsidy.

Goods, penalties, and forfeitures, in general, where not otherwise directed, where to be sued and recovered.

part of them, at any time within two months next after the commencement of this act, to order and direct all such cambrick, or goods of the kind usually known by or under that denomination which shall have been made, or begun to be made, wove, and fabricated in *Great Britain or Ireland*, at any time before the commencement of this act, to be marked or stamped at both ends of every piece thereof, with such mark or stamp which shall be provided and appointed as aforesaid, notwithstanding the same shall have been taken out of the loom (proof being made to the satisfaction of the said commissioners, that all such goods were really and *bona fide* made, or begun to be made, wove, and fabricated in *Great Britain or Ireland*, before the commencement of this act) which goods so marked or stamped, and numbered, in pursuance of such directions, shall and may be sold, disposed of, and used, in like manner as if the same had been made or wrought after the commencement of this act, and all the directions thereof fully complied with ; any thing in this act contained to the contrary thereof in any wise notwithstanding : and the supervisor, or other officer or officers of the excise, who shall be directed to mark or stamp, and number such goods, shall make the like entry of the number of yards in length of each piece of such goods, and the number set thereon, in like manner, and under the like penalties, as herein before directed, with respect to cambricks made after the commencement of this act.

XX. Provided always, and be it further enacted and declared, That if any person or persons shall before the said first day of *July*, one thousand seven hundred and sixty seven, be possessed of any cambricks or clear lawns, or goods usually known by either of those denominations, which have not been stamped in the manner required by law ; such person and persons shall and may on or before the first day of *August*, one thousand seven hundred and sixty seven, deposit such cambricks or clear lawns in any warehouse or warehouses to be appointed for that purpose by the commissioners of the customs in *England*, for exportation to his Majesty's colonies or plantations in *America* only, upon payment of the half subsidy which is to remain by law after such goods are exported, without any oath or other proof being required of the place where such goods were manufactured ; and no prosecution shall be commenced against any person or persons for having in their custody or possession any such unstamped goods, between the said first day of *July*, and the first day of *August*, one thousand seven hundred and sixty seven ; any thing in this or any other act of parliament to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That all such goods which shall be seized and condemned in pursuance of this act, and all penalties and forfeitures whatsoever by this act inflicted (unless otherwise directed to be condemned and recovered by this act) shall and may be sued for, prosecuted, and recovered, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, by

by action of debt, bill, plaint, or information, in the name of his Majesty's attorney general, or in the name or names of such supervisor, or other officer or officers of the excise or customs as aforesaid; and that one moiety of the clear produce arising from the sale of all such goods, and of all the penalties and forfeitures inflicted by this act, after all charges deducted, shall be to his Majesty, his heirs, and successors, and the other moiety thereof to the officer or officers who shall seize, inform, or prosecute for the same.

Produce from the sale, after all charges, to be divided between the crown and prosecutor.

XXII. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint, or information, entered or filed as aforesaid, for any penalty imposed by this act, a *Capias* in the first process shall and may issue, specifying the sum of the penalty sued for; and the defendant or defendants shall be obliged to give sufficient bail or security by natural born subjects, persons naturalized or denizens, to the person or persons to whom such *Capias* shall be directed, to appear in the court out of which such *Capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearance, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case, he, she, or they, shall be convicted thereof, or to yield his, her, or their body or bodies to prison.

Capias to issue upon entering an action, &c.

Defendant to give sufficient bail thereto.

XXIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, the defendant or defendants in such action or suit, shall and may plead the general issue, and give this act and the special matter, in evidence, at any trial to be had thereupon, and that the same was done by the authority of this act; and if it shall appear to have been so done, then the jury shall find for the defendant or defendants: and if the plaintiff or plaintiffs shall become nonsuited, or discontinue, his, her, or their action or suit, after the defendant or defendants shall have appeared; or if, upon verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have such remedy for the same as any defendant or defendants hath or have in other cases by law.

General issue.

Treble costs.

XXIV. And be it further enacted by the authority aforesaid, That if any cambricks or lawns, or goods of the kind usually known by or under either of those denominations, shall be seized by virtue or in pursuance of this or any other act now in force; or if any action shall be brought by the owner or claimer of such goods against any officer of the customs or excise, or any other person, for any thing done in pursuance of this or any other act now in force, and any doubt or question shall arise where such goods were manufactured; the proof thereof shall lie upon the owner or claimer of such goods, and not on the person who seized the same, or against whom such action shall be brought; any law, usage, or custom, to the contrary notwithstanding.

In case of doubt or question, where the goods were manufactured,

the proof to lie on the owner or claimer.

CAP. XLIV.

An act for altering the stamp duties upon policies of assurance, and for reducing the allowance to be made in respect of the prompt payment of the stamp duties on licences for retailing beer, ale, and other exciseable liquors; and for explaining and amending several acts of parliament relating to hackney coaches and chairs.

Preamble, re-
citing clauses
in act 5 Geo. 3.

WHEREAS by an act of parliament made in the fifth year of the reign of his present Majesty, intituled, An act for altering the stamp duties upon admissions into corporations or companies, and for further securing and improving the stamp duties in Great Britain; it is, among other things, enacted, That from and after the fifth day of July, one thousand seven hundred and sixty five, if the properties of more than one person, in any ship, cargo, or both, or of more than a particular number of persons in general partnership, or of more than one body politic or corporate, to a greater amount in the whole than the sum of one hundred pounds in any ship, cargo, or both, be assured on the same policy, such policy should be void, and the premium paid thereon remain the property of the assurer; with a proviso, that it should and might be lawful to assure, or cause to be assured, the properties of any number of persons whatsoever, in any ship, cargo, or both, by one policy stamped with five shillings each; any thing therein contained to the contrary notwithstanding: and whereas such part of the said act as is before recited, has been found very inconvenient to merchants, traders, and others, residing out of this kingdom, and injurious to the commercial dealings thereof; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and sixty seven, it shall and may be lawful to assure, or cause to be assured, the properties of any number of persons whatsoever, in any ship, cargo, or both, to the amount of any sum, not exceeding in the whole the sum of one thousand pounds, by a policy stamped with a stamp of five shillings; and that it shall and may be lawful to assure, or cause to be assured, the properties of any number of persons whatsoever, in any ship, cargo, or both, to the amount of any sum whatsoever, by one policy stamped with two stamps of five shillings each; and that every policy so stamped shall be good, valid, and effectual to all intents and purposes whatsoever; any thing in the said act made in the fifth year of his present Majesty's reign, or any former act to the contrary notwithstanding.

Policies for any number of persons, and to any amount, not exceeding 1000l. on ships, or cargo, or both may be assured by a 5s. stamp. and to any higher amount by a 10s. stamp.

Any additional assurance to the original policy, not being duly stamped, is void, and the

II. Provided always, That if any risque or adventure distinct from the risque or adventure mentioned in the original policy, and upon which any further premium shall be given, shall be by any writing or declaration not duly stamped, added to any such original policy, such additional assurance shall be void, and

and the premium paid thereon shall remain the property of the premium goes to the insurer.

III. And be it further enacted by the authority aforesaid, That Duties to be for the better and more effectual raising, levying, collecting, and under the go- paying the said duties herein before mentioned, the same shall vernment and be under the government, care, and management, of the com- management of the missioners, for the time being, appointed to manage the duties of the com- payable to his Majesty, his heirs, and successors, and charged on missioners for stamped vellum, parchment and paper, by former acts of parlia- stamps. ment in that behalf made ; who, or the major part of them, are hereby empowered to employ such officers under them, for that purpose, as they shall think proper ; and to provide and use such dies and stamps, to denote the said duties herein before mentioned, as they shall think fit ; and to repair, renew, or alter the same, from time to time, as there shall be occasion ; and to do all other acts, matters, and things, necessary to be done for putting this act in execution, with relation to the said duties, in the like, and in as full and ample manner, as they, or the major part of them, are authorized to put in execution any former law concerning stamped vellum, parchment, or paper.

IV. And be it further enacted by the authority aforesaid, Powers, &c. That all powers, regulations, provisions, articles, clauses, pen- granted by nalties, forfeitures, distribution of penalties and forfeitures, and former acts, all other matters and things prescribed, inflicted, and appointed, relating to the by any former act or acts of parliament, relating to the duties on duties on vellum, parchment, and paper, on which any policy of assur- policies of af- ance shall be ingrossed, written, or printed, and not herein al- furance, ex- tered, shall be in full force and effect with relation to the duties tended to the duties herein before mentioned ; and shall be applied and put in ex- duties hereby ecution for the managing, raising, levying, collecting, securing, granted. receiving, and paying the said duties herein before mentioned, and accounting for the same according to the true intent and meaning of this act, as fully, to all intents and purposes, as if such powers, regulations, provisions, articles, clauses, penalties, forfeitures, distribution of penalties and forfeitures, and other matters and things, were herein repeated, re-enacted, and applied to the said stamp duties herein before mentioned.

V. And be it further enacted by the authority aforesaid, That Penalty of if any person or persons shall counterfeit or forge, or procure counterfeit to be counterfeited or forged, any seal, stamp, or mark, to resemble or forging any any seal, stamp, or mark, directed, authorized and allowed, to be used by, or which shall be provided, made, or used, in pursuance of, this act ; or shall counterfeit or resemble the impression of the same, thereby to evade the payment of any of the duties herein before mentioned ; or shall utter, vend, or sell, any vellum, parch- or exposing ment, or paper, liable to any such stamp duties, with such coun- any such to terfeit stamp, mark or impression thereon, knowing the same to be counterfeit or shall privately or fraudulently use any seal, or fraudulent- stamp, or mark, authorized or allowed to be used by, or provided ly making use of any stamp, or used, or to be provided or used, in pursuance of this act, relating to defraud the King of his to the said stamp duties, with an intent to defraud his Majesty, King of his his heirs, and successors, of any of the said duties, or any part duties. thereof ;

is felony.

Monies arising by these duties, to be applied as the duties upon policies of assurance granted by former acts.

Where persons are sued for assuring to a greater amount than 200l. by a single 5s. stamp, the proof, as to the value assured, to lie on the defendant.

The allowance of 6l. per cent. made by act 29 Geo. 2. in respect of the prompt payment of the stamp duties on beer licences, &c.

is to cease after 1 August, 1767 ;

and in lieu thereof, 4l. per cent. only is to be allowed.

thereof ; every such person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony without benefit of clergy.

VI. And be it further enacted by the authority aforesaid, That the monies arising by the several and respective duties herein before mentioned (the necessary charges of management, and of raising, collecting, receiving, paying, and accounting for, the said monies, excepted) shall be issued and applied to such and the same uses and purposes as the duties upon policies of assurance are, by former acts of parliament, directed to be issued and applied.

VII. And be further declared and enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted under, and by virtue of, this act, for assuring the properties of any number of persons whatsoever in any ship, cargo, or both, to a greater amount than the sum of one thousand pounds, by a policy stamped with a stamp of five shillings only ; then, and in such case, the proof, as to the amount or value so assured, shall lie on the person or persons that shall be so sued or prosecuted, and not on the person or persons who shall sue or prosecute.

VIII. And be it further enacted by the authority aforesaid, That the allowance, after the rate of six pounds in the one hundred pounds *per annum* for six months, authorized to be made by an act of parliament passed in the twenty ninth year of the reign of his late majesty King George the Second, intituled, *An act for granting to his Majesty a duty upon licences for retailing beer, ale, and other exciseable liquors ; and for establishing a method for granting such licences in Scotland ; and for allowing such licences to be granted at a petty session in England, in a certain case therein mentioned*) to every person who shall, at one time, bring to be stamped, or buy of the commissioners for managing the stamp duties, vellum, parchment, or paper, the duties whereof shall amount to ten pounds and upwards, upon the present payment of the said duties, shall, from and after the said first day of *August*, one thousand seven hundred and sixty seven, cease and determine.

IX. And it is hereby further declared and enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty seven, instead and in lieu of such allowance, there shall be allowed and paid in *Great Britain*, to every person who shall, at any one time, bring to be stamped, or buy of the said commissioners, vellum, parchment, or paper, charged with any duties in and by the said act of parliament, which shall, in the whole, amount to ten pounds or upwards, after the rate of four pounds in the one hundred pounds *per annum* for six months, upon the present payment of the said duties at the head office for marking or stamping vellum, parchment, and paper.

X. *And whereas it hath been the practice of late for the owners of unlicensed coaches to let the same out for hire, by way of jobb, by the*
day,

day, or for less than a day, contrary to the true intent and meaning of an act made in the ninth year of the reign of her late Majesty queen Anne, intituled An act for licensing and regulating hackney coaches and chairs; and for charging certain new duties on stamp vellum, parchment, and paper, and on cards and dice, and on the exportation of rock salt for Ireland; and for securing thereby, and by a weekly payment out of the post office, and by several duties on hides and skins, a yearly fund of one hundred eighty six thousand six hundred and seventy pounds, for thirty two years, to be applied to the satisfaction of such orders as are therein mentioned, to the contributors of any sum not exceeding two millions to be raised for carrying on the war, and other her Majesty's occasions) to the great prejudice of his Majesty's revenue, and of the licensed hackney coachmen: for remedy thereof, be it enacted by the authority aforesaid, That from and after the said first day of August, one thousand seven hundred and sixty seven, upon every information before the commissioners appointed or to be appointed, for licensing and regulating hackney coaches and chairs or the major part of them, against any person, for driving for hire, or letting to hire, any hackney coach, contrary to the said act made in the ninth year of her said late Majesty's reign, although no express hiring shall be proved; yet unless the party accused shall appear, and make proof to the said commissioners, or the major part of them, that no money or other gratuity was made or paid, or agreed or intended to be made or paid, for the use of such coach, the same shall be deemed and adjudged a driving for hire, or letting to hire, to all intents, constructions, and purposes whatsoever; and every person so offending shall, for ever such offence, incur such and the like penalty as if such money, or other gratuity, was actually proved to be made or paid; any statute, bye-law, usage, or custom, to the contrary thereof notwithstanding.

Act 2 Anne.

Hackney coaches let out for hire, by way of a job, by the day, or for a less time, contrary to the recited act, are liable to a penalty.

XI. And for the better and more easily distinguishing such coaches and other carriages as shall be entered at the head office of excise in London, pursuant to the act of parliament made in the twentieth year of the reign of his late majesty King George the Second, and shall be let out for hire, from gentlemens coaches, and for making the owners and drivers thereof the more easily amenable to justice for any offences committed by them; be it further enacted by the authority aforesaid, That every job coach licensed at the head office of excise in London, which shall be driven or let to hire on private contract, within the cities of London and Westminster, or the suburbs thereof, or within the parishes and places comprized within the weekly bills of mortality, for any time longer than one month, without having the excise number or mark fixed under the foot board of every such coach, the same shall be deemed and adjudged a coach driven or let to hire, contrary to the said act made in the ninth year of the reign of queen Anne; and every person so letting or driving for hire as aforesaid, shall incur and be liable to the like penalty as any person or persons who shall drive or let to hire by the hour, day, or otherwise,

Licensed job coaches driven or let out to hire, within the weekly bills, for a longer time than 1 month, without the excise mark under the foot board, liable to a penalty.

any

any hackney coach or coach horses within the cities of *London* or *Westminster*, or suburbs of the same, or within the parishes and places comprized within the weekly bills of mortality, without leave or license from the commissioners for regulating and licensing hackney coaches and chairs, are now by law liable unto.

Licensed hackney coaches, plying for hire, liable to go, at seasonable times, any where within 10 miles from *London* or *Westminster*.

XII. And whereas a doubt has arisen, whether licensed hackney coachmen plying for hire are compellable to carry fares any where within the distance of ten miles from the city of *London* or *Westminster*; That from and after the said first day of *August*, one thousand seven hundred and sixty seven, every coachman licensed by the commissioners for regulating and licensing hackney coaches plying for hire within the city of *London* or *Westminster*, shall be obliged and compellable, on every day of the week, at seasonable times, to go any where within the distance of ten miles from the city of *London* or *Westminster*; and in case of refusal so to do, shall be liable to the like penalty and punishment as may by law now be inflicted, in cases of refusal to carry for hire by licensed hackney coachmen.

The following rates of fares allowed to be taking by licensed hackney chairs within the weekly bills.

XIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty seven, every person who is or shall be licensed by the said commissioners, or the major part of them, to keep and use for hire any hackney chair within the said cities of *London* and *Westminster*, and the suburbs thereof, and within all and every the parishes and places comprized within the weekly bills of mortality, or any person legally acting under such person, shall be intitled to, and may demand, receive, and take, for the hire of any such hackney chair, the rates and fares herein after mentioned; that is to say,

The fares.

For any distance not exceeding one mile, twelve pence.
And for any distance being above one mile, and not exceeding one mile, and four furlongs, one shilling and six pence.
And for every further distance not exceeding four furlongs, six pence.
And by the hour, eighteen pence for the first hour, and six pence for every half of an hour after.

The said fares may be recovered, as those settled by act 9 Annæ. Offenders liable to be committed by any of the laws relating to

The said former acts herein before recited, or any statute, by-law, or custom, to the contrary notwithstanding.

XIV. And be it further enacted by the authority aforesaid, That the said several rates and fares for hire herein before mentioned, shall and may be recovered in the like manner as the fares settled by the said act of the ninth year of the reign of her said late Majesty queen *Anne*, are by law made recoverable.

XV. And be it further enacted by the authority aforesaid, That in every case where any person, for any of the offences mentioned in any law relating to the licensing and regulating of hackney coaches and chairs, shall be liable to be committed to prison,

prison, it shall and may be lawful for the said commissioners, or any three or more of them, either to commit such offender to prison, in like manner as by any former act of parliament they are authorized to do, and for any time the said commissioners, or any three or more of them, shall think fit, not exceeding one month, or, by warrant under their hands and seals, to commit such offender to his Majesty's workhouse of bridewell in London, or some other house of correction, there to be kept to hard labour for any time at the discretion of the said commissioners, not exceeding one month; and also to receive the correction of the said house, if the said commissioners shall so think fit to order.

licensing, &c. hackney coaches and chairs, may be committed either to prison, or to bridewell, and kept to hard labour; and receive the correction of the house.

XVI. And be it further enacted by the authority aforesaid, That from and after the said first day of August, one thousand seven hundred and sixty seven, if any person who is or shall be duly licensed to let or drive for hire any hackney coach, within the limits aforesaid, shall be guilty of misbehaviour in his employment, it shall and may be lawful for the said commissioners, or any three of them, either to revoke such coachman's licence, or to inflict a penalty not exceeding three pounds, upon conviction for every such offence, to be paid to the poor of the parish where such offence shall be committed; and if any person so convicted as aforesaid shall not be able, or shall refuse to pay the said sum so to be imposed as aforesaid, he shall be committed to his Majesty's workhouse of bridewell, or some other house of correction, there to be kept to hard labour for the space of thirty days.

Hackney coachmen misbehaving, their licence may be revoked; or they may be fined not exceeding 3l. to the poor of the parish, and if not paid, they may be committed to some house of correction, &c.

XVII. And be it further enacted by the authority aforesaid; That it shall and may be lawful for every or any licensed hackney coachman, or his driver, to demand and take for his hire, the rate or sum of twelve shillings and six pence for a day's work or hire, reckoning twelve hours to the day; any thing in the said recited act made in the ninth year of the reign of her late Majesty Queen Anne, to the contrary notwithstanding.

Fare of a hackney coach for the day 12s. 6d.

XVIII. And be it further enacted by the authority aforesaid, That from and after the said first day of August, one thousand seven hundred and sixty seven, every licensed hackney coachman, or his driver, who shall drive with any hackney coach on the Lord's day, shall be liable to do the like work, as well without the weekly bills of mortality as within the same, as such coachman, or his driver, is by this or any former act compellable or liable to do on any other day of the week.

Hackney coaches liable to do the like work on Sundays, as on any other day of the week,

XIX. And be it further enacted by the authority aforesaid, That the several clauses in this present act, and in the several acts of parliament heretofore made and passed concerning hackney coaches and chairs, as relates to the jurisdictions, powers, and authorities, of the commissioners for licensing and regulating hackney coaches and chairs; and of justices of the peace; and to the rules, penalties, and forfeitures, orders and directions, in the same acts, or any of them, mentioned; shall be, and are hereby, continued in full force and effect,

Clauses in the present and former acts concerning hackney coaches and chairs relating to the jurisdiction of the commissioners and justices;

and to the rules, penalties, and forfeitures, &c. continued.

for and during such further time as any other part of the said acts, relating to the licensing of hackney coaches or chairs, shall be in force and have continuance.

XX. *And whereas it frequently happens, that many persons have occasion to inspect the register books of carts, cars, and drays, required by law to be kept by the said commissioners, in order for the more easy discovery and bringing to justice the offenders against the laws now in being relating to the drivers of such carts, cars, and drays: and whereas no directions are given by any of the said laws for the said commissioners, or their clerk keeping such entry, to permit or suffer any person to inspect the said register books, or to make or give out any copy of such entry or entries; be it therefore further enacted*

Persons, having reasonable cause, are authorized to inspect the register books of carts, cars, and drays, and to take copies of the entries required,

by the authority aforesaid, That all and every person or persons, having reasonable cause to inspect such register books of carts, cars, or drays, kept or to be hereafter kept by the said commissioners, shall and may, and they are hereby authorized to inspect the same; and the said commissioners, or their clerks keeping such register, is and are hereby directed and required, upon request of any person or persons having such reasonable cause to inspect the same, to produce the register book or books of such carts, cars, or drays, and to make and give to such person or persons a true copy or copies of such entry or entries therein as shall be required; and the said commissioners clerk is hereby authorized to demand and receive for every such search, and a copy of every such entry, the sum of four pence, and no more; and the like sum where only such search shall be made, although no copy of such entry shall be required.

paying 4d.

No execution, or other proceeding of the commissioners, to be superseided by *certiorari*.

XXI. And be it enacted, That no writ or writs of *certiorari* shall superseide execution or other proceeding upon any order or orders made by the said commissioners in pursuance of this act; but that execution and proceedings shall and may be had and made thereupon; any such writ or writs, or allowance thereof, notwithstanding.

General issue.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall and may plead the general issue, and give this act and the special matter in evidence, for his and their defence; and if upon trial a verdict shall pass for the defendant or defendants, or judgement shall be given against the plaintiff or plaintiffs upon demurrer; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action, after the defendant or defendants shall have appeared, then such defendant and defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs; for which costs he and they shall have such remedy for recovery thereof, as any defendants or defendants hath or have in any other cases where by law costs are given to defendants.

Treble costs.

CAP. XLV.

for encouraging and regulating the trade and manures of the Isle of Man; and for the more easy supply of habitants therewith a certain quantity of wheat, barley, meal, and flour, authorized by an act made in this to be transported to the said island.

It gracious Sovereign,

WHEREAS the property of the Isle of Man being now vested in your Majesty, your heirs and successors, in pursuance of an act made in the fifth year of your Majesty's reign, intituled for carrying into execution a contract made, pursuant to the act of parliament of the twelfth of his late Majesty George the First, between the commissioners of his Majesty's Treasury and the duke and dutchess of Atholl, the proprietors of the Isle of Man, and their trustees, for the purchase of the said island and its dependencies, under certain exceptions particularly mentioned; it is expedient that provision be made for encouraging, improving, and regulating the trade and manufactures of the said island, and the fisheries on the coasts thereof: and as it is necessary that a revenue should be raised, in the said island, to answer these purposes, and to defray the expences of the said island: We, your Majesty's most dutiful and loyal subjects the commons of Great Britain assembled in parliament, being assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and common this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty seven, the duties payable to the King in the said Isle of Man on all goods imported there, and duties levied from thence, shall cease, determine, and be no longer payable; and that in lieu thereof there shall be raised, levied, and paid unto his Majesty, his heirs and successors following duties for and upon the goods and merchandise herein after mentioned, which shall be brought or carried into the said Isle of Man; that is to say,

For every gallon of *British* spirits imported from that part of Great Britain called *England*, one shilling.

For every gallon of rum, the produce of the *British* plantations imported from *England*, one shilling and six pence.

For every pound weight of bohea tea imported from *England*, six pence.

For every pound weight of green tea imported from *England*, six pence.

For every pound weight of coffee imported from *England*, six pence.

Preamble;

Act 5 Geo. 3.

From and after 5 July, 1767, the former duties payable on goods imported or exported to cease; and the duties following to take place in lieu thereof.

The new duties.

For every pound weight of *Tobacco* imported from *England*, two pence.

For every chaldron of coals, *Winchester* measure, imported from *Great Britain* or *Ireland*, three pence.

For and upon all hemp, iron, deal boards, and timber, imported from foreign parts, five pounds *per centum ad valorem*.

For every ton of *French* wine imported, four pounds.

For every ton of all other sorts of wine imported, two pounds; and after these rates for any greater or less quantity of such wine.

For and upon all sorts of corn and grain imported from *England*, for which any bounty shall have been allowed and paid upon the exportation thereof, ten pounds *per centum ad valorem*.

For all other goods, wares, and merchandizes whatsoever, which are or may be intitled to any bounty, or to any drawback of the duties of excise, on exportation, in *Great Britain*, which shall be imported from *Great Britain* into the said *Isle of Man*, five pounds *per centum ad valorem*.

For and upon all goods, wares, and merchandizes whatsoever, not herein before particularly charged (except such goods as are exempt from duty by this act) imported from *Great Britain* or *Ireland*, two pounds ten shillings *per centum ad valorem*.

And for and upon all goods, wares, and merchandizes whatsoever, not herein before particularly charged (except such as are exempt from duty by this act) imported from any other port or place from whence such goods may be lawfully imported into the said *Isle of Man*, fifteen pounds *per centum ad valorem*.

Duties to be paid in ready money, without any discount; and to be raised and levied under authority and direction of the commissioners of the treasury, &c. and to be paid into the exchequer apart from all other branches of the publick revenue.

Savings to be reserved for the disposition of parliament.

II. And it is hereby further enacted by the authority aforesaid, That the several rates and duties herein before granted, shall be paid down in ready money, without any discount or allowance; and shall be raised, levied, collected, paid, and recovered, under the authority and direction of the commissioners of the treasury, or the lord high treasurer for the time being, in like manner and form, and by the same rules, regulations, and under such penalties and forfeitures, as the duties of customs, payable in *Great Britain*, are raised, levied, collected, and recovered, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted in the body of this present act; and (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) the said rates and duties shall, from time to time, be brought and paid into the receipt of his Majesty's Exchequer, distinctly and apart from all other branches of the publick revenue; and such part thereof as shall remain, after the necessary expences attending the government of the said *Isle of Man*, and the administration of justice there are from time to time defrayed, shall be reserved for the disposition of parliament.

III. And

III. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, it shall and may be lawful for any person or persons to import into the said *Isle of Man*, in any ship or vessel, from any port or place whatsoever, any flax or flax seed, raw or brown linen yarn, wood ashes and weed ashes, fish and flesh of all sorts, and any sort of corn or grain, from any port or place whatsoever (except from *Great Britain* only) without payment of any custom or other duty whatsoever.

Goods allowed to be imported duty-free from any place, except from *Great Britain*.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, it shall and may be lawful for any of his Majesty's subjects to import into the said *Isle of Man*, in *British* vessels navigated according to law, from any port or place in *Great Britain* or *Ireland*, any sort of white or brown linen cloth, and hemp or hemp seed being the produce or manufacture of *Great Britain* or *Ireland*; horses and black cattle; all utensils and instruments fit and necessary to be employed in manufactures, fisheries, or agriculture; bricks and tiles; all sorts of young trees, sea-shells, lime, and soapers-waste, pack-thread and small cordage for nets, without payment of any custom or duty whatsoever for the same.

Goods, &c. allowed to be imported duty-free from *Great Britain*, or *Ireland*;

V. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July* one thousand seven hundred and sixty seven, it shall and may be lawful for any of his Majesty's subjects to import into the said *Isle of Man*, in *British* vessels navigated according to law, from any port or place, in *Great Britain*, without payment of any custom or duty whatsoever, any sort of salt, boards, timber, and hoops, being the produce and manufacture of *Great Britain*; iron in rods or bars, cotton, indico, naval stores, and any sort of wood commonly called *Lumber* (as specified in an act passed in the eighth year of the reign of King *George* the First, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*) of the growth, production, or manufacture, of any *British* colony or plantation in *America*; and all other goods of the growth, production, or manufacture, of the said colonies or plantations, for which any bounty or premium is allowed by law on the importation thereof into *Great Britain*.

from *Great Britain* only.

Act 8 Geo. 1.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That due entries shall be made of the goods herein before mentioned, which are allowed to be imported into the said *Isle of Man* duty free, at the custom house for the port or place where the same shall be imported, expressing the quantity and qualities of such goods, in the usual manner, before landing thereof, and the same shall be landed in the presence of the proper officer of the customs for that purpose; on failure whereof, the said goods shall be liable to the duty of fifteen pounds *per centum ad valorem*; any thing in this act contained to the contrary notwithstanding.

Due entry to be made of the goods so imported;

and the same to be landed in the presence of an officer; on penalty of paying duty.

Restrictions and limitations to be observed with respect to the importation of the several articles here mentioned ;

on forfeiture of the goods with the vessel.

Commissioners of the customs empowered to grant licences to export certain quantities of particular species of goods from England into the port of Douglas.

Drawbacks allowed on the exportation of the said goods.

Register to be kept at Douglas, of the quantity of each species so imported, and an account thereof to be transmitted to the commissioners at London.

VII. And it is hereby further enacted by authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, no linen cloth shall be imported into the said *Isle of Man*, but such only as shall be *bona fide* and without fraud laden and shipped in *Great Britain* or *Ireland*, and carried directly from thence; and no glass or woollen manufactures shall be imported into the said *Isle of Man*, but such only as shall be *bona fide* laden and shipped in *Great Britain*, and carried directly from thence; and no teas, brandy, strong waters, or other spirits whatsoever, coffee, or tobacco, shall be imported into the said *Isle of Man*, but such only as shall be *bona fide* and without fraud laden and shipped at some port of *England*, and carried directly from thence, under the restrictions and limitations herein after mentioned; upon the forfeiture of all such goods as shall be imported or carried contrary to the true intent and meaning of this act, or the value thereof, together with the ship or vessel in which the same shall be imported or carried, with all her guns, furniture, ammunition, tackle, and apparel; to be seized by any officer or officers of the customs, and prosecuted and sued for as herein after directed; any law, custom, or usage, to the contrary notwithstanding.

VIII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, the commissioners of his Majesty's customs in *England*, or any three of them, shall and may grant licence, without fee or reward (to continue in force for three months) to any of his Majesty's subjects, to export, from any port of *England* into the port of *Douglas* in the *Isle of Man*, but to no other, in *British* ships navigated according to law any quantity of spirits, not exceeding in the whole, fifty thousand gallons of *British* distilled spirits, and thirty thousand gallons of rum the produce of the *British* plantations; any quantity of tea, not exceeding twenty thousand pounds weight of bohea tea, and five thousand pounds weight of green tea, in one year; any quantity of coffee, not exceeding five thousand pounds weight, in one year; and any quantity of tobacco, not exceeding one hundred and twenty thousand pounds weight, in one year, to commence from the said fifth day of *July*, one thousand seven hundred and sixty seven, and in every succeeding year; and for the goods so exported, by virtue of such licence, the exporter shall be intitled to receive the like drawbacks, but under the same security, regulations, and restrictions, in all respects, as are allowed and prescribed for such goods respectively when exported from *Great Britain* to *Ireland*; any law, custom, or usage, to the contrary notwithstanding: and his Majesty's receiver general of the *Isle of Man*, or his deputy, is hereby enjoined and required to keep a register, at the port of *Douglas*, of the quantity of each species of goods so imported as aforesaid; and to transmit an account thereof, every quarter, to the commissioners of his Majesty's customs at *London*.

IX. And whereas there are now secured for the duties, in his Majesty's warehouse at the port of Douglas in the Isle of Man, one hundred hogheads, containing one hundred thousand pounds weight of tobacco, and upwards, which were imported into the said port the seventeenth day of March last; be it enacted by the authority aforesaid, That the said tobacco shall be deemed and considered as part of the limited quantity allowed by this act for one year, from the said fifth day of July, one thousand seven hundred and sixty seven; and that it shall and may be lawful for any of his Majesty's subjects to import into the said island, under the restrictions and limitations, before mentioned, only so much tobacco, within the time above specified, as will make up the said annual allowance of one hundred and twenty thousand pounds weight.

The tobacco imported 17 March last, into the said port, to be deemed as part of the quantity limited and allowed by this Act for 1 year.

X. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty seven, no tea, brandy, strong waters, or spirits, of any kind whatsoever, coffee, chocolate, tobacco, glass, or coals, British or other wrought silks, or salt, nor any wine, shall be exported, or shipped or laden on board any ship, vessel, or boat, in order to be exported, from the said Isle of Man, to any place whatsoever; on forfeiture of all such goods, or the value thereof, together with the ship, vessel, or boat, in which the same shall be laden, with all her furniture; to be seized by any officer or officers of the customs, and sued for and prosecuted as herein after is directed.

None of the goods here enumerated to be exported again,

on forfeiture thereof, together with the vessel.

XI. And it is hereby further enacted by the authority aforesaid, That all goods carried coastwise in the said Isle of Man shall be subject to the same securities, rules, regulations, penalties, and forfeitures, in all respects, as are prescribed and directed, by any act of parliament now in force, with respect to goods carried coastwise in Great Britain.

Regulations to be observed with respect to goods carried coastwise.

XII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty seven, no wool, woollen or bay yarn, or live sheep, shall be exported, or shipped or laden on board any ship, vessel, or boat, in order to be exported, from the Isle of Man; under the like penalties and forfeitures as are inflicted, by any law now in force, against the exporting such goods from Great Britain to foreign parts; except as herein after is provided.

No wool, woollen or bay yarn, or live sheep, may be exported;

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein before contained shall extend to prohibit the exportation of wool, woollen or bay yarn, or live sheep, from the Isle of Man to Great Britain; the exporter first giving bond to his Majesty, his heirs and successors, with one or more sufficient surety or sureties, to be approved of by his Majesty's receiver general or his deputy in the Isle of Man, in the penalty of five hundred pounds, for the delinquency thereof according to the entry, and to return a certificate within three months from the date of such bond, under the

except to Great Britain.

and bond in that case to be first given by the exporter.

hands and seals of the collector and comptroller, or other proper officer, of the customs, at the port or place in *Great Britain*, where such goods shall be landed, testifying the landing thereof; the danger of the seas and enemies excepted.

The usual bounties and drawbacks allowed on exportation of goods (malt and barley excepted) from *Great Britain* to the *Isle of Man*, as to *Ireland*. No distillery of low wines or other spirits to be carried on;

XIV. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, all goods, wares, and merchandizes (malt and barley excepted) which may be lawfully exported from *Great Britain*, to the *Isle of Man*, shall, upon being so exported, be intitled to the same drawbacks and bounties, under the like rules, restrictions, securities, penalties, and forfeitures, in all respects, as such goods are intitled or liable to by law upon exportation from *Great Britain* to *Ireland*.

XV. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, no low wines or spirits whatsoever shall be made, extracted, or distilled, within the *Isle of Man*, from any wheat, barley, malt, or any sort of grain, or from any meal, or flour, or from any foreign or imported materials, or any mixture therewith; and if any person or persons whatsoever shall make, extract, or distill, or cause or procure to be made, extracted, or distilled, any low wines or spirits, from any wheat, barley, malt, or other grain, or from any meal or flour, or from any foreign or imported materials, or any mixture therewith; or shall use or mix, or cause or procure to be used or mixed, any wheat, barley, malt, or other grain, or any meal or flour, or any foreign or imported materials, or any mixture therewith, in any worts or wash, in order for the making, extracting, or distilling, low wines or spirits; or shall put or lay, or cause or procure to be put or laid, in any tun, wash-batch, cask, copper, still, or other vessel or utensil, any wheat, barley, malt, or other grain, or any meal or flour, or any foreign or imported materials, or any mixture therewith, for the purpose of preparing any worts or wash, or for making, extracting, or distilling, low wines or spirits, in the said *Isle of Man*; that then, and in each and every of the said cases, such person or persons acting contrary to the directions of this act, or the person or persons in whose custody or possession any such tun, wash-batch, cask, copper, still, or other vessel or utensil, which shall be made use of contrary to the intention of this act, shall be found, shall respectively, for every such offence, forfeit and pay the sum of two hundred pounds; and all such wheat, barley, malt, and other grain, and such meal and flour, and such foreign or imported materials, or any mixture therewith, and such worts and wash, low wines and spirits, with the tuns, wash-batches, casks, coppers, stills, or other vessels or utensils, so made use of, shall be also forfeited; and may be seized by any officer or officers of the customs, and sued for and prosecuted as herein after is directed.

on forfeiture of 200l. with the materials and utensils.

Vessels built in the island, being registered

XVI. And it is hereby further enacted by the authority aforesaid, That all ships or vessels which have been, or shall be, built

built in the *Ile of Man*, and shall be owned by his Majesty's subjects in the said island, shall be deemed and pass as ships of the built of *Great Britain*, to all intents and purposes whatsoever, upon one or more of the owners thereof registering such ships or vessels, and making proof upon oath of the built and property thereof, before his Majesty's receiver general, or his deputy, in the said *Ile of Man*, in the manner and form directed for registering ships, by an act made in the seventh and eighth years of the reign of King *William the Third*, intituled, *An act for preventing frauds, and regulating abuses, in the plantation trade*; which oath shall be attested by the officer who administered the same, and, being registered by him, shall be delivered to the master of such ship or vessel, for security of her navigation; and a duplicate thereof shall be transmitted, by the said receiver general, or his deputy, to the port of *London*, to be there entered in the general register of all trading ships belonging to *Great Britain*.

and duly attested, &c. deemed British built.

A&T 7 & 8 Will. 3.

XVII. *And, for promoting industry, and to encourage the inhabitants of the Isle of Man to engage in the herring fishery upon the coasts thereof, and in the manufacture of linen cloth*, be it enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, the several and respective bounties or sums of money herein after mentioned, shall be allowed and paid for the boats employed in such fishery, and to the manufacturers of such linen cloth, under the several limitations and restrictions herein after expressed; that is to say,

Bounties allowed for the encouragement of the herring fishery, and manufacture of linen cloth; viz-

To the owner or master of such boat as shall take the first maze, consisting of five hundred herrings, in each season, *videlicet*, between the first of *June* and the first of *December* in every year, the sum of five pounds.

For the encouragement of the fishery;

To the owner or master of the boat which shall fish the greatest number of nights in each season as aforesaid, the sum of ten pounds.

To the owner or master of the boat which shall fish the second or next greatest number of nights in each season as aforesaid, the sum of seven pounds, ten shillings.

To the owner or master of the boat which shall fish the third greatest number of nights in each season as aforesaid, the sum of five pounds.

To the owner or master of the boat which shall fish the fourth greatest number of nights in each season as aforesaid, the sum of two pounds, ten shillings.

To the owner or master of the boat which shall take the greatest number of herrings in each season, provided it exceeds fifty mazes, or twenty five thousand herrings, the sum of ten pounds.

To the owner or master of the boat which shall take the second or next greatest quantity of herrings in each season, exceeding the number of twenty five thousand herrings, the sum of five pounds.

To the owner or master of the boat which shall take the last mize of herrings each season, the sum of five pounds.

To the admiral of the herring fishery for each season, the sum of five pounds.

To the vice admiral of the said fishery for each season, the sum of three pounds.

To the water bailiff of the island or his deputy, in consideration of the trouble and expences of attending at the several ports, and visiting the coasts during the herring fishing season, the sum of twenty pounds.

For the encouragement of the linen manufacture.

To the weaver or person who shall weave, in each year, the greatest number of yards of linen cloth within the said island, of the value of ten pence, and not exceeding the value of one shilling and six pence *per* yard, the sum of six pounds.

To the weaver or person who shall weave, in each year, the next greatest number of yards of linen cloth within the said island, of like value, the sum of four pounds.

To the person who shall spin, in each year, the greatest quantity of linen yarn within the said island, the sum of five pounds.

To the person who shall spin, in each year, the next greatest quantity of linen yarn within the said island, the sum of three pounds.

To the person who shall export for sale, in each year, the greatest number of yards of linen cloth of the manufacture of the said island, being all his own property, the sum of ten pounds.

Bounties to be paid out of the fishery duties.

Which several and respective allowances, herein before mentioned, shall be paid upon demand to the respective persons intitled thereto, by his Majesty's receiver general in the *Ile of Man*, or his deputy, out of the duties of ten shillings payable to his Majesty, in the said isle, for and upon every boat or other vessel employed in the herring fishery, and out of the money arising to his Majesty from the several bay fisheries of the said island.

Claims with respect to the fishery bounties how to be ascertained.

XVIII. *And, in order to ascertain the number of nights such boats shall have fished*, it is hereby further enacted by the authority aforesaid, That the master of every boat employed in the fishery shall deliver, weekly, an account in writing of the number of nights he has so fished in each preceding week, to the admiral or vice admiral of the herring fishery; which accounts shall be verified by the oaths of the admiral or vice admiral, and the master of the boat claiming such bounty, at the end of each season, before the water bailiff of the island, or his deputy; and in case the money arising by the said duties payable to his Majesty, in the said *Ile of Man*, for and upon boats and vessels employed in the herring fishery, and from the several bay fisheries of the said island, shall not be sufficient in any season to pay the bounties herein before granted, then the said bounties shall be only paid in equal rates and proportions, according to the receipt of the said duties, and the money arising from the said bay fisheries.

If the fund prove insufficient in any season, the bounties to be paid proportionally.

XIX. Provided

XIX. Provided always, and it is hereby further enacted by the authority aforesaid, That no person shall be intitled to the bounties herein before mentioned, unless the boat, for which such bounty is claimed, shall, before she proceeds upon the fishery in each season, be registered at the custom house at the port of *Douglas*; and the master of such boat shall give bond to his Majesty, his heirs and successors, with one or more sufficient surety, to be approved of by his Majesty's receiver general, or his deputy, in the penal sum of one hundred pounds, that such boat shall not export, from the said *Isle of Man*, any goods prohibited to be exported from thence; or import, into the said isle, any goods prohibited to be imported there; or export or import there, as aforesaid, any customable goods, for which the duties due and payable to his Majesty, his heirs and successors, have not been duly answered and paid; and shall not be otherwise employed or used in any illicit trade, whereby his Majesty, his heirs and successors, shall or may be defrauded: which bonds shall continue in force for three years from the dates thereof; and, in case no fraud shall appear within that time, it shall and may be lawful for his Majesty's said receiver general to cancel the same.

The fishing boats to be registered; and the masters thereof to give bond, in order to intitle them to the bounties.

The bonds to be in force for 3 years.

XX. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for the officer registering any ship, vessel, or boat, and taking any bond in pursuance of this act, to demand and receive from the master or owner of such ship, vessel, or boat, one shilling for every register, and from the person giving such bond, one shilling for every bond, and no more.

Register's fees.

XXI. And be it enacted by the authority aforesaid, That before any person shall be intitled to the respective bounties, granted by this act for the encouragement of the linen manufacture, each person claiming such bounty shall respectively make oath before his Majesty's receiver general of the island, or his deputy, of the number of yards of linen cloth wove or exported by the said person so claiming, and also of the quantity of linen yarn spun by the person claiming the bounty for spinning, agreeable to the terms before specified.

Claims with respect to the linen bounties how to be ascertained.

XXII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty seven, if any goods, wares, or merchandizes, liable to the payment of duties in the *Isle of Man* by this or any other act of parliament, shall be unshipped or landed from any ship or vessel inward bound, before the respective duties due thereon are paid, agreeable to law; or if any prohibited goods whatsoever shall be imported into, or exported out of, the said *Isle of Man*; every person who shall be assisting or otherwise concerned, either in the unshipping or landing inwards, or in shipping or loading outwards, such goods, or to whose hands the same shall knowingly come after the unshipping, landing, or relanding the same, shall, for each and every offence, forfeit treble the value of such goods, to be estimated and

Where goods shall be unshipped or landed before duty paid;

or prohibited goods be imported, or exported; the parties concerned forfeit treble the value,

with the goods, boats, cattle, and carriages.

Sums payable in pursuance of this act, to be sterling money of Great Britain.

Forfeitures and penalties to be sued for and recovered,

and applied as act 5 Geo. 3. directs,

Recital of clause in an act of this session.

The quantity limited by the recited act, of wheat, barley, &c. for the use of the inhabitants, to be transported from Whitehaven and Liverpool, instead of Southampton and Exeter,

and computed according to the best price that each commodity then bears at the town and port of *Douglas* in the said island; and the said goods, and all the boats, horses, cattle, and carriages whatsoever, made use of in the landing, loading, removing, carriage, or conveyance thereof, shall also be forfeited and lost; and shall and may be seized by any officer or officers of the customs, and sued for and prosecuted as herein after mentioned.

XXIII. And it is hereby further enacted by the authority aforesaid, That all sums of money which shall be paid, incurred, or recovered, in pursuance of this act, shall be deemed, and are hereby declared to be, sterling money of *Great Britain*; and shall be paid, collected, and recovered, to the amount of the value which such nominal sums bear in *Great Britain*.

XXIV. And it is hereby further enacted by the authority aforesaid, That all forfeitures and penalties inflicted by this act, as well specifick as pecuniary, and all suits or informations which shall be brought or commenced for the recovery thereof, shall be sued for, prosecuted, tried, heard, and determined, and the said penalties and forfeitures distributed and disposed of, in such manner and form, and by such rules, regulations, and restrictions, as are prescribed and directed in and by an act made in the fifth year of his present Majesty, intituled, *An act for the more effectual preventing the mischief arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the Isle of Man*, with respect to the forfeitures and penalties therein mentioned.

XXV. And whereas by an act passed in this present session of parliament, intituled, An act to prohibit, for a limited time, the exportation of corn, grain, meal, malt, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat flour; it is, amongst other things, enacted, That the said act shall not extend to two thousand five hundred quarters of wheat, barley, oats, meal, and flour, transported from the ports of Southampton or Exeter only, unto the Isle of Man, for the use of the inhabitants of the said island, under certain restrictions in the said act mentioned: and whereas the ports of Southampton and Exeter, being remote from the Isle of Man, the navigation is too expensive and inconvenient to carry the said goods from thence; by which means the good purposes intended by the said act has been in a great measure, if not entirely, ineffectual; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful for any of his Majesty's subjects, at any time or times during the continuance of the said recited act, to transport wheat, barley, oats, meal, and flour, from the ports of *Whitehaven* and *Liverpool* only, instead of the ports of *Southampton* and *Exeter*, under the like restrictions, securities, and limitations, as are mentioned in the said recited act; so as the whole quantity of wheat, barley, oats, meal, and flour, which shall be shipped at both the said ports of *Whitehaven* and *Liverpool*, together with the quantity of wheat, barley, oats, meal, and

and flour (if any) which shall have been shipped at the said ports of *Southampton* and *Exeter*, for the *Ile of Man*, as aforesaid, shall not exceed two thousand five hundred quarters; one moiety of the quantity so to be shipped under the authority of this act, shall be shipped at the port of *Whitehaven*, and the other moiety thereof at the said port of *Liverpool*; any thing in the said recited act to the contrary notwithstanding.

C A P. XLVI.

An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.

WHEREAS it is expedient that a revenue should be raised, Preamble.
in your Majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and the support of civil government, in such provinces where it shall be found necessary; and towards further defraying the expences of defending, protecting, and securing, the said dominions; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, have therefore resolved to give and grant unto your Majesty the several rates and duties herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That From and after 20 Nov. 1767, the duties following are to take place, upon the respective goods here-in after mentioned imported from America; viz,
from and after the twentieth day of *November*, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for and upon the respective goods herein after mentioned, which shall be imported from *Great Britain* into any colony or plantation in *America* which now is, or hereafter may be, under the dominion of his Majesty, his heirs, or successors, the several rates and duties following; that is to say,
Great Britain into the British colonies and plantations in

For every hundred weight avoirdupois of crown, plate, flint, Upon glass,
and white glass, four shillings and eight pence.

For every hundred weight avoirdupois of green glass, one
shilling and two pence.

For every hundred weight avoirdupois of red lead, two shil- Red lead,
lings.

For every hundred weight avoirdupois of white lead, two White lead,
shillings.

For

Painters colours,
Teas,
and paper:

For every hundred weight avoirdupois of painters colours, two shillings.

For every pound weight avoirdupois of tea, three pence.

For every ream of paper, usually called or known by the name of *Atlas Fine*, twelve shillings.

For every ream of paper called *Atlas Ordinary*, six shillings.

For every ream of paper called *Bastard*, or *Double Copy*, one shilling and six pence.

For every single ream of blue paper for sugar bakers, ten pence halfpenny.

For every ream of paper called *Blue Royal*, one shilling and six pence.

For every bundle of brown paper containing forty quires, not made in *Great Britain*, six pence.

For every ream of paper called *Brown Cap*, not made in *Great Britain*, nine pence.

For every ream of paper called *Brown Large Cap*, made in *Great Britain*, four pence halfpenny.

For every ream of paper called *Small Ordinary Brown*, made in *Great Britain*, three pence.

For every bundle, containing forty quires, of paper called *Whited Brown*, made in *Great Britain*, four pence halfpenny.

For every ream of cartridge paper, one shilling and one penny halfpenny.

For every ream of paper called *Chancery Double*, one shilling and six pence.

For every ream of paper called *Genoa Crown Fine*, one shilling and one penny halfpenny.

For every ream of paper called *Genoa Crown Second*, nine pence.

For every ream of paper called *German Crown*, nine pence.

For every ream of paper called *Fine Printing Crown*, nine pence.

For every ream of paper called *Second Ordinary Printing Crown*, six pence three farthings.

For every ream of paper called *Crown Fine*, made in *Great Britain*, nine pence.

For every ream of paper called *Crown Second*, made in *Great Britain*, six pence three farthings.

For every ream of paper called *Demy Fine*, not made in *Great Britain*, three shillings.

For every ream of paper called *Demy Second*, not made in *Great Britain*, one shilling and four pence halfpenny.

For every ream of paper called *Demy Fine*, made in *Great Britain*, one shilling and one penny halfpenny.

For every ream of paper called *Demy Second*, made in *Great Britain*, nine pence.

For every ream of paper called *Demy Printing*, one shilling and three pence.

For every ream of paper called *Genoa Demy Fine*, one shilling and six pence.

For every ream of paper called *Genoa Demy Second*, one shilling and one penny halfpenny.

For every ream of paper called *German Demy*, one shilling and one penny halfpenny.

For every ream of paper called *Elephant Fine*, six shillings.

For every ream of paper called *Elephant Ordinary*, two shillings and five pence farthing.

For every ream of paper called *Genoa Fools Cap Fine*, one shilling and one penny halfpenny.

For every ream of paper called *Genoa Fools Cap Second*, nine pence.

For every ream of paper called *German Fools Cap*, nine pence.

For every ream of paper called *Fine Printing Fools Cap*, nine pence.

For every ream of paper called *Second Ordinary Printing Fools Cap*, six pence three farthings.

For every ream of any other paper called *Fools Cap Fine*, not made in *Great Britain*, one shilling and ten pence halfpenny.

For every ream of any other paper called *Fools Cap Fine Second*, not made in *Great Britain*, one shilling and six pence.

For every ream of paper called *Fools Cap Fine*, made in *Great Britain*, nine pence.

For every ream of paper called *Fools Cap Second*, made in *Great Britain*, six pence three farthings.

For every ream of paper called *Imperial Fine*, twelve shillings.

For every ream of paper called *Second Writing Imperial*, eight shillings and three pence.

For every ream of paper called *German Lombard*, nine pence.

For every ream of paper called *Medium Fine*, four shillings and six pence.

For every ream of paper called *Genoa Medium*, one shilling and ten pence halfpenny.

For every ream of paper called *Second Writing Medium*, three shillings.

For every ream of painted paper, not made in *Great Britain*, six shillings.

For every ream of paper called *Fine Large Post*, one shilling and ten pence halfpenny.

For every ream of paper called *Small Post*, one shilling and one penny halfpenny.

For every ream of paper called *Fine Genoa Pot*, six pence three farthings.

For every ream of paper called *Second Genoa Pot*, six pence three farthings.

For every ream of other paper called *Superfine Pot*, not made in *Great Britain*, one shilling and six pence.

For every ream of other paper called *Second Fine Pot*, not made in *Great Britain*, one shilling and one penny halfpenny.

For every ream of paper called *Ordinary Pot*, not made in *Great Britain*, six pence three farthings.

For every ream of paper called *Fine Pot*, made in *Great Britain*, nine pence.

For every ream of paper called *Second Pot*, made in *Great Britain*, four pence halfpenny.

For every ream of paper called *Super Royal Fine*, nine shillings.

For every ream of paper called *Royal Fine*, six shillings.

For every ream of paper called *Fine Holland Royal*, two shillings and five pence farthing.

For every ream of paper called *Fine Holland Second*, one shilling and six pence.

For every ream of paper called *Second Fine Holland Royal*, one shilling and six pence.

For every ream of paper called *Ordinary Royal*, nine pence.

For every ream of paper called *Genoa Royal*, two shillings and five pence farthing.

For every ream of paper called *Second Writing Royal*, four shillings and one penny halfpenny.

For every ream of paper called *Second Writing Super Royal*, six shillings.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, not made in *Great Britain*, three shillings and nine pence.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, made in *Great Britain*, two shillings and three pence.

And for and upon all paper which shall be printed, painted, or stained, in *Great Britain*, to serve for hangings or other uses, three farthings for every yard square, over and above the duties payable for such paper by this act, if the same had not been printed, painted, or stained; and after those rates respectively for any greater or less quantity.

All other un-rated paper how to be charged.

II. And it is hereby further enacted by the authority aforesaid, That all other paper (not being particularly rated and charged in this act) shall pay the several and respective duties that are charged, by this act, upon such paper as is nearest above in size and goodness to such unrated paper.

Quantity of which a ream and quire are to consist.

III. And be it declared and enacted by the authority aforesaid, That a ream of paper, chargeable by this act, shall be understood to consist of twenty quires, and each quire of twenty four sheets.

Duties to be paid as sterling money of Great Britain.

IV. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this act upon goods imported into any *British American* colony or plantation, shall be deemed, and are hereby declared to be, sterling money of *Great Britain*; and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in *Great Britain*; and that such monies may be received and taken, according to the proportion and value of five shillings and six pence the ounce in silver; and shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures,

at the rate of 5s. 6d. per oz. in silver; and to be paid and levied as

as any other duties, now payable to his Majesty upon goods imported into the said colonies or plantations, may be raised, levied, collected, paid, and recovered, by any act or acts of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted, in the body of this present act: and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be applied, in the first place, in such manner as is herein after mentioned, in making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such of the said colonies and plantations where it shall be found necessary; and that the residue of such duties shall be paid into the receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs, or successors; and shall be there reserved, to be from time to time disposed of by parliament towards defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*.

V. And be it further enacted by the authority aforesaid, That his Majesty and his successors shall be, and are hereby, empowered, from time to time, by any warrant or warrants under his or their royal sign manual or sign manuals, countersigned by the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause such monies to be applied, out of the produce of the duties granted by this act, as his Majesty, or his successors, shall think proper or necessary, for defraying the charges of the administration of justice, and the support of the civil government, within all or any of the said colonies or plantations.

of justice and civil government

VI. *And whereas the allowing a drawback of all the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts, the growth of the British dominions in America, may be a means of encouraging the growth of coffee and cocoa in the said dominions;* be it therefore enacted by the authority aforesaid, That from and after the said twentieth day of *November*, one thousand seven hundred and sixty seven, upon the exportation of any coffee or cocoa nuts, of the growth or produce of any *British* colony or plantation in *America*, from this kingdom as merchandize, the whole duties of customs, payable upon the importation of such coffee or cocoa nuts, shall be drawn back and repaid; in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance, payable out of the duties of customs upon the exportation of such coffee or cocoa nuts, was, could, or might be paid, before the passing of this act; in any law, custom, or usage, to the contrary notwithstanding.

VII. And it is hereby further enacted by the authority aforesaid, That no drawback shall be allowed for any china earthen

Drawback of the duties of customs allowed upon exportation from this kingdom, of coffee and cocoa nuts, produce of the *British* American plantations.

Drawback discontinued upon such china earthen ware sold after the

passing of this act, at the company's sale, as shall be exported to America.

Penalty of fraudulently entering for exportation any such ware as sold before the passing this act, that had been sold after; or of entering such ware for foreign parts, to obtain a drawback, and carrying the same to, and landing it in, America.

Method of recovery and application of the penalty.

Entry and report to be made of all vessels on their arrival in any of the British colonies in America, before they proceed to the place of un-lading.

Entry also and report to be made outwards, before any part of the lading shall be taken in;

ware sold, after the passing of this act, at the sale of the united company of merchants of *England* trading to the *East Indies*, which shall be entered for exportation from *Great Britain* to any part of *America*; any law, custom, or usage, to the contrary notwithstanding.

VIII. And it is hereby further enacted by the authority aforesaid, That if any china earthen ware sold, after the passing of this act, at the sale of the said united company, shall be entered for exportation to any part of *America* as china earthen ware that had been sold at the sale of the said company before that time; or, if any china earthen ware shall be entered for exportation to any parts beyond the seas, other than to some part of *America*, in order to obtain any drawback thereon, and the said china earthen ware shall nevertheless be carried to any part of *America*, and landed there, contrary to the true intent and meaning of this act; that then, in each and every such case, the drawback shall be forfeited; and the merchant or other person making such entry, and the master or person taking the charge of the ship or vessel on board which the said goods shall be laden for exportation, shall forfeit double the amount of the drawback paid, or to be paid, for the same, and also treble the value of the said goods; one moiety to and for the use of his Majesty, his heirs, and successors; and the other moiety to such officer of the customs as shall sue for the same; to be prosecuted, sued for, and recovered, in such manner and form, and by the same rules and regulations, as other penalties inflicted for offences against the laws relating to the customs may be prosecuted, sued for, and recovered, by any act or acts of parliament now in force.

IX. And, for the more effectual preventing the clandestine running of goods in the British dominions in America, be it further enacted by the authority aforesaid, That from and after the said twentieth day of *November*, one thousand seven hundred and sixty seven, the master or other person having or taking the charge or command of every ship or vessel arriving in any *British* colony or plantation in *America* shall, before he proceeds with his vessel to the place of un-lading, come directly to the custom house for the port or district where he arrives, and make a just and true entry, upon oath, before the collector and comptroller, or other principal officer of the customs there, of the burthen, contents, and lading, of such ship or vessel, with the particular marks, numbers, qualities, and contents, of every parcel of goods therein laden, to the best of his knowledge; also where and in what port she took in her lading; of what country built; how manned; who was master during the voyage, and who are owners thereof; and whether any, and what goods, during the course of such voyage, had or had not been discharged out of such ship or vessel, and where: and the master or other person having or taking the charge or command of every ship or vessel, going out from any *British* colony or plantation in *America*, before he shall take in, or suffer to be taken into or laden on board any such ship or vessel, any goods, wares, or merchandizes, to

be exported, shall, in like manner, enter and report outwards such ship or vessel, with her name and burthen, of what country built, and how manned, with the names of the master and owners thereof, and to what port or place he intends to pass or sail: and before he shall depart with such ship or vessel out of any such colony or plantation, he shall also bring and deliver unto the collector and comptroller, or other principal officer of the customs at the port or place where he shall lade, a content in writing, under his hand, of the name of every merchant, or other person who shall have laden, or put on board any such ship or vessel, any goods or merchandize, together with the marks and numbers of such goods or merchandize: and such master or person having or taking the charge or command of every such ship or vessel, either coming into, or going out of, any *British* colony or plantation as aforesaid, whether such ship or vessel shall be laden or in ballast, or otherwise, shall likewise publickly, in the open custom house, to the best of his knowledge, answer upon oath to such questions as shall be demanded of him by the collector and comptroller, or other principal officer of the customs for such port or place, concerning such ship or vessel, and the destination of her voyage, or concerning any goods or merchandize that shall or may be laden on board her, upon forfeiture of one hundred pounds sterling money of *Great Britain*, for each and every default or neglect; to be sued for, prosecuted, recovered, and divided, in the same manner and form, by the same rules and regulations in all respects, as other pecuniary penalties, or offences against the laws relating to the customs or trade of his Majesty's colonies in *America*, may, by any act or acts of parliament now in force, be prosecuted, sued for, recovered, and divided.

and a content to be delivered before sailing.

Master also of every vessel coming into, or going out of, any *British* colony, to answer upon oath to the questions demanded of him at the custom house by the collector, &c. of the port, on penalty of 100l.

X. *And whereas by an act of parliament made in the fourteenth year of the reign of King Charles the Second, intituled, An act for preventing frauds, and regulating abuses, in his Majesty's customs, and several other acts now in force, it is lawful for any officer of his Majesty's customs, authorized by writ of assistance under the seal of his Majesty's court of exchequer, to take a constable, headborough, or other public officer inhabiting near unto the place, and in the day-time to enter and go into any house, shop, cellar, warehouse, or room or other place, and, in case of resistance, to break open doors, chests, trunks, and other package there, to seize, and from thence to bring, any kind of goods or merchandize whatsoever prohibited or unlicensed, and to put and secure the same in his Majesty's store-house next to the place where such seizure shall be made: and whereas by an act made in the seventh and eighth years of the reign of King William the Third, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade, it is, amongst other things, enacted, that the officers for collecting and managing his Majesty's revenue, and inspecting the plantation trade, in America, shall have the same powers and authorities to enter houses or warehouses, to search for and seize goods prohibited to be imported or exported into or out of any of the said plantations, or for which any duties are payable, or ought to*

Clauses in act 14 Car. 2.

Act 7 & 8 Will. 3.

have been paid; and that the like assistance shall be given to the said officers in the execution of their office, as, by the said recited act of the fourteenth year of King Charles the Second, is provided for the officers in England: but, no authority being expressly given by the said act, made in the seventh and eighth years of the reign of King William the Third, to any particular court to grant such writs of assistance for the officers of the customs in the said plantations, it is doubted whether such officers can legally enter houses and other places on land, to search for and seize goods, in the manner directed by the said recited acts: To obviate which doubts for the future, and in order to carry the intention of the said recited acts into effectual execution, be it enacted, and it is hereby enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, such writs of assistance, to authorize and empower the officers of his Majesty's customs to enter and go into any house, warehouse, shop, cellar, or other place, in the *British* colonies or plantations in *America*, to search for and seize prohibited or uncustomed goods, in the manner directed by the said recited acts, shall and may be granted by the said superior or supreme court of justice having jurisdiction within such colony or plantation respectively.

Writs of assistance, pursuant to the recited acts, to be granted by the supreme court of justice having jurisdiction in the colony.

General issue.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in *Great Britain* or *America*, against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

CAP. XLVII.

An act for discontinuing the duties on logwood exported; for taking off the duties on Succus Liquoritiæ imported, and for granting other duties in lieu thereof; for explaining such parts of two acts made in the tenth and twelfth years of the reign of Queen Anne, as relate to certain duties on silks, printed, painted, or stained, in Great Britain; for granting a duty upon the exportation of such rice as shall have been imported duty-free, in pursuance of an act made in this session of parliament; and for more effectually preventing the wear of foreign lace and needle work which are prohibited to be imported into this kingdom.

WHEREAS

WHEREAS *the discontinuing the duty payable upon the exportation of logwood from this kingdom, may be a means of encouraging the importation thereof;* May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That From and after 20 July, 1767, no duties to be paid upon the exportation of logwood to foreign parts; from and after the twentieth day of July, one thousand seven and sixty seven, the duty now payable upon logwood, exported from this kingdom to any parts beyond the seas, shall cease, determine, and be no longer paid or payable; any law, custom, or usage, to the contrary notwithstanding.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That due entries shall be made at the custom-house of all such logwood, upon which the duty is taken off by this act, in the same manner and form, expressing the quantities and qualities thereof, as was used and practised before the making of this act; and such logwood shall be shipped outwards in the presence of the proper officers of the customs appointed for that purpose; and the exportation thereof shall be in *British* built ships or vessels, navigated according to law; and on failure of the said conditions and directions, or any of them, the said logwood shall be liable to the same duty as if this act had never been made; any thing herein before contained to the contrary notwithstanding.

III. *And whereas Succus Liquoritiæ is rated in the book of rates made in the twelfth year of the reign of King Charles the Second, at one shilling per pound weight; according to which value, the duties now payable upon Succus Liquoritiæ, imported into this kingdom, amount to seven pounds, two shillings, and six pence, for every hundred weight thereof: and whereas it has been found, by experience, that the said duties are too high; which has induced many persons to import clandestinely great quantities of such Succus Liquoritiæ, to the prejudice of the revenue and the fair trader: For* remedy whereof, be it enacted by the authority aforesaid, That The former duty on Succus Liquoritiæ to cease; from and after the twentieth day of July, one thousand seven hundred and sixty seven, the several duties payable upon the importation of *Succus Liquoritiæ* shall cease, determine, and be no longer paid; and, in lieu thereof, there shall be paid and payable to his Majesty, his heirs, and successors, for every hundred weight avoirdupois of *Succus Liquoritiæ*, which from and after the said twentieth day of July, one thousand seven hundred and sixty seven, shall be imported into *Great Britain*, the sum of thirty shillings.

IV. And it is hereby further enacted by the authority aforesaid, That the said duty by this act granted shall be paid down in ready money, without any discount or allowance; and shall not be afterwards drawn back or repaid upon the exportation of the same goods; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as the duties to be paid in ready money; and without discount; or drawback on exportation, &c.

upon *Succus Liquoritiæ* hereby determined, or any of them, might have been raised, levied, recovered, and paid, if the same, or any of them, had continued.

and to be applied as the present duties upon drugs.

V. And it is hereby enacted by the authority aforesaid, That the duties to arise upon the importation of *Succus Liquoritiæ* pursuant to this act (the necessary charges of management excepted) shall be appropriated and applied, as near as may be, to the same uses and purposes as the present duties upon drugs, rated by the book of rates made in the twelfth year of the reign of King *Charles* the Second, are applicable, or ought to be applied.

Recital of clause in act to Anne;

VI. *And whereas by an act passed in the tenth year of the reign of her late majesty Queen Anne, intituled, An act for laying several duties upon all sops and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamp vellum, parchment, and paper, and upon certain printed papers, pamphlets, and advertisements; for raising the sum of one million eight hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office of stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea company) for the use of the public; it is, amongst other things, enacted, that there should be raised, levied, collected, and paid, to and for the use of her Majesty her heirs, and successors, for and upon all silks, calicoes, linens, and stuffs, of what kind soever, which, at any time or times, within or during the term of thirty two years, to be reckoned from the twentieth day of July, one thousand seven hundred and twelve, should be printed, stained, painted, or dyed, in Great Britain (such calicoes, linens, and stuffs, as should be dyed throughout of one colour only; and stuffs made of woollen, or whereof the greatest part in value should be woollen; always excepted) the several and respective rates and duties herein after expressed (over and above the duties payable upon the importation of them, or any of them) that is to say,*

Duties payable by virtue of the said act on silks, and on silk handkerchiefs.

For and upon all silks so printed, stained, or painted, in Great Britain (silk handkerchiefs excepted) the sum of six pence for every yard in length, reckoning half a yard for the breadth.

And for all silk handkerchiefs so printed, stained, or painted, in Great Britain, the sum of three pence for every yard square; and in those proportions for wider or narrower silks.

Recital of clauses in act, Geo. 1.

And whereas by an act passed in the third year of the reign of his late majesty King George the First, intituled, An act for redeeming the duties and revenues which were settled to pay off principal

principal and interest on the orders made forth at four lottery acts passed in the ninth and tenth years of her late Majesty's reign; and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferrable at the bank of *England*, and redeemable by parliament, but also to raise monies for such proprietors of the said orders as shall choose to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments as in this act are mentioned; and for taking off the duties on linseed imported, and *British* linen exported; *the said several rates and duties are made perpetual: And whereas* & 12 Annæ; *by an act of parliament made in the twelfth year of the reign of her said late majesty Queen Anne, intituled, An act for laying additional duties on lops and paper; and upon certain linens, silks, callicoes, and stuffs; and upon starch, and exported coals; and upon stamp vellum, parchment, and paper, for raising one million four hundred thousand pounds, by way of a lottery, for her Majesty's supply; and for allowances on exporting made wares of leather, sheep skins, and lamb skins; and for distribution of four thousand pounds due to the officers and seamen for gun money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South Sea company; and for appropriating the monies granted to her Majesty; it is, amongst other things, enacted, That there should be raised, levied, collected, and paid, to and for the use of her Majesty, her heirs, and successors, for and upon all silks, callicoes, linens, and stuffs, of what kind soever, which, at any time or times within or during the term of thirty two years, to be reckoned from the second day of August, one thousand seven hundred and fourteen, should be printed, stained, painted, or dyed, in Great Britain (such callicoes, linens, and fustians, as shall be dyed throughout of one colour only; and stuffs made of woollen, or whereof the greatest part in value shall be woollen; always excepted) the several and respective rates and duties therein and herein after expressed (over and above all other duties payable for the same, or any of them) that is to say,*

For and upon all silks so printed, stained, or painted, within or during the term aforesaid, in Great Britain (silk handkerchiefs excepted) the sum of six pence for every yard in length, reckoning half a yard for the breadth. Duties payable by virtue thereof on silks,

And for all silk handkerchiefs so printed, stained, or painted, within or during the term aforesaid, in Great Britain, the sum of one penny for every yard square; and in those proportions for wider or narrower silks. and silk handkerchiefs.

And whereas by an act of parliament made in the sixth year of the reign of his said late majesty King George the First, intituled, An act for enabling the South Sea company to encrease their present capital The said rates and duties made perpetual by act 6 Geo. 1.

capital stock and fund, by redeeming such publick debts and and incumbrances as are therein mentioned; and for raising money, to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer; *the said several rates and duties last mentioned are made perpetual: And whereas some doubts have arisen, whether ribbands and silks so printed, stained, or painted, being less than half a yard in breadth, are within the meaning of the said recited acts, and liable to the said several rates and duties by the said acts imposed:* Now, for obviating all such doubts, be it declared by the authority aforesaid, That all ribbands and silks printed, stained, or painted, in *Great Britain*, though less than half a yard in breadth, are, within the true intent and meaning of the said acts, liable to the several rates and duties by the said two first mentioned acts imposed, according to the proportions in which such ribbands or silks are or shall be made.

Ribbands and silks, printed, stained, or painted in Great Britain, though less than half a yard in breadth, declared to be

within the intent of the two first acts; and are liable to pay duties accord-

Clause in an act of this session.

VII. *And whereas by an act made in this present session of parliament, intituled, An act for allowing the free importation of rice, sago powder, and vermicelli, into this kingdom, from his Majesty's colonies in North America, for a limited time, it is, amongst other things, enacted, That it shall and may be lawful for any person or persons to import into Great Britain, from any of his Majesty's colonies in North America, at any time or times before the first day of December, one thousand seven hundred and sixty seven, any rice, without the payment of any subsidy, custom, duty, or imposition whatsoever:* Now, to the end the advantage intended to this kingdom, by the said recited act, may not be evaded by the exportation of such rice into foreign parts; we your Majesty's most dutiful and loyal subjects the commons of *Great Britain*, in parliament assembled, do give and grant unto your Majesty, and do humbly beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That for and upon all rice which hath been, or shall be, imported into this kingdom duty-free, by virtue of the said recited act, and which shall be again exported thereout, there shall be paid and answered to his Majesty, his heirs, and successors, a subsidy of poundage of six pence in the pound, according to the value or rate set upon rice imported, in the book of rates referred to by the act of the twelfth year of King *Charles the Second*; which said subsidy of six pence in the pound upon such rice so exported, shall be raised, levied, collected, and recovered, by such ways and means, and under such rules, regulations, penalties, and forfeitures, as the subsidy or poundage for any goods or merchandizes exported from *Great Britain*, may be raised, levied, collected, or recovered, by any act of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly

Rice imported duty free by virtue of the said act, and what shall be again exported, is to pay a duty ad Valorem of 6d. in the pound;

particularly repeated and again enacted into the body of this present act.

VIII. And be it further enacted by the authority aforesaid, That the said duties granted by this act upon rice exported, shall (the necessary charges of management excepted) be paid into the receipt of his Majesty's exchequer, and be there reserved for the disposition of parliament.

IX. And whereas the permitting foreign lace made of silk or thread, and foreign needle-work, to be worn or used in Great Britain, after the same has been seized and condemned, gives the unfair dealer in those commodities, opportunity to secure from seizures great quantities thereof, which are clandestinely imported: Now to prevent a practice so very prejudicial to the publick revenue, and the manufacturers of such goods in this kingdom; be it therefore enacted by the authority aforesaid, That from and after the seventh day of July, one thousand seven hundred and sixty seven, no foreign lace made of silk or thread, or foreign needle-work, which shall have been, or shall be, seized and condemned in Great Britain, for any cause of forfeiture, shall be sold or delivered out of any custom-house warehouse wherein the same shall be secured, otherwise than on condition to be exported under the like securities, regulations, and restrictions, penalties, and forfeitures, as are prescribed by law, for the due exportation of East India goods prohibited to be worn or used in Great Britain; any law, custom, or usage to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

C A P. XLVIII.

An act for regulating the proceedings of certain publick companies and corporations carrying on trade or dealings with joint stocks, in respect to the declaring dividends; and for further regulating the qualification of members for voting in their respective general courts.

WHEREAS by virtue of divers acts of parliament, and of royal charters founded thereupon, certain publick companies or corporations have been instituted for the purpose of carrying on particular

Money to be paid into the exchequer, and reserved for the disposition of parliament.

No foreign lace of silk or thread, or foreign needle-work, seized and condemned in Great Britain, may be sold, or delivered out of the King's warehouses, but for exportation only.

General issue.

Treble costs.

Preamble.

particular

ticular trades or dealings with joint stocks; and the management of the affairs of such companies has been vested in their general courts, composed of the members at large of such companies respectively; in which general courts every member of each respective company, possessed of such share in the stock of the company as in and by the said acts of parliament and charters is limited with regard to each of the said companies respectively, is qualified and intitled to give a vote or votes: And whereas of late years a most unfair and mischievous practice has been introduced of splitting large quantities of stock, and making separate and temporary conveyances of the parts thereof, for the purpose of multiplying or making occasional votes immediately before the time of declaring a dividend, of choosing directors, or of deciding any other important question; which practice is subversive of every principle upon which the establishment of such general courts is founded, and if suffered to become general, would leave the permanent interest of such companies liable at all times to be sacrificed to the partial and interested views of a few, and those perhaps temporary proprietors; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand seven hundred and sixty seven, no member of any of the said publick companies or corporations, instituted for the purpose aforesaid, shall be deemed qualified to vote, or be admitted to give any vote or votes, in any general court of any such company, in respect of any stock transferred to him, her, or them, after the said first day of *August*, one thousand seven hundred and sixty seven, until he, she, or they, shall have been possessed of such stock six calendar months; unless such stock shall have been acquired or shall have come by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the city of *London*, or by any deed of settlement after the death of any person who shall have been intitled for life to the dividends of such stock.

Members disqualified from voting in a general court who were not possessed of stock in the company 6 months;

except in the particular cases here mentioned.

Oaths and affirmations required to be taken by members voting,

to be altered conformable to the qualification required by this act,

and taken accordingly.

II. And be it further enacted by the authority aforesaid, That the several and respective oaths and affirmations which are at present, either by virtue of any act of parliament, or by any charter of any of the said companies, required to be administered to, or taken by, the members intitled to vote in the general courts of the said companies respectively, at or before giving their votes, shall, from and after the said first day of *August*, one thousand seven hundred and sixty seven, be altered in such manner, as to extend to, and comprize the further qualification required by this act, in respect of the continuance of the possession of such stock as aforesaid; and that the said oaths and affirmations, so altered as aforesaid, shall, from and after the said first day of *August*, one thousand seven hundred and sixty seven, be severally and respectively administered to, and taken by, the members of such companies, in the place of those heretofore required to be administered and taken.

III. And forasmuch as no part of the business transacted by the general courts of the said companies can be of more importance to the general and lasting interest of the companies themselves, or to the preservation of publick credit, so closely connected with that interest, than what concerns the fixing, from time to time, of the dividends to be made out of the profits and produce of their joint stocks among the several proprietors having shares therein: And forasmuch as the provisions hitherto made have not been found sufficient to prevent many great and dangerous irregularities being practised in relation to the making of sudden and unwarrantable alterations in the said rates of such dividends; be it therefore enacted by the authority aforesaid,

That from and after the tenth day of July, one thousand seven hundred and sixty seven, no declaration of a dividend shall be made by any general court of any of the said companies, other than one of the half yearly or general quarterly courts, at the distance of five calendar months at the least from the last preceding declaration of a dividend; and that no declaration of more than one half-yearly dividend shall be made by one general court; and that no question upon any proposition for increasing the rate of the dividend, shall be decided otherwise than by ballot, to be taken at the distance of three entire days, at the least, from the adjournment, or breaking up of the general court, in which such question shall have been proposed.

No declaration of a dividend to be made, but at one of the half-yearly or quarterly general courts, at 5 months distance from the last preceding declaration;

and for no more than the decided, but

half year. And no question for a proposed increase of dividend to be by ballot taken 3 days after breaking up of the court.

IV. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; of which notice shall be judicially taken by all judges, justices, and other persons whatsoever, without specially pleading the same.

Publick act.

C A P. XLIX.

An act for regulating certain proceedings of the general courts of the united company of merchants of England trading to the East Indies.

WHEREAS it must, at all times, be of the utmost importance to the interest and welfare of the united company of merchants of England trading to the East Indies, that the power of declaring dividends upon the stock of the said company, vested in their general courts, should be duly exercised; and that no determination should ever be made or take place in respect of any such dividend, without a full and fair opportunity given to the proprietors at large to exercise the right of taking such part in every such determination as they are intitled to by law: And whereas it is at this time become peculiarly necessary to secure, at all events, as well the permanent interest of the said company, as the state of credit both private and publick, from the mischiefs which must ensue from an improper and improvident increase of the dividends of the said company; which cannot be effectually done without the interposition of parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice

Preamble,

No dividend to be made for any time subsequent to 24 June, 1767, but in pursuance of a vote, &c. carried upon a ballot in a general court summoned for

nor increase of dividend, beyond 10l. per cent. to be resolved on, between 8 May, 1767, and the beginning of the next session of parliament;

nor balloting upon any question to take place, sooner than 8 hours after breaking up of the court;

and to be begun not later than 12 at noon; nor

and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no dividend shall be made by the said company, for or in respect of any time subsequent to the twenty fourth day of *June*, one thousand seven hundred and sixty seven, otherwise than in pursuance of a vote or resolution passed by way of balloting in a general court of the said company, which shall have been summoned for the purpose of declaring a dividend; and of the meeting of which general court for such purpose seven days notice at the least shall have been given in writing, fixed upon the *Royal Exchange in London*.

for the purpose, and 7 days notice given of the meeting;

II. And be it further enacted by the authority aforesaid, That it shall not be lawful for any general court of the said company, at any time between the eighth day of *May*, one thousand seven hundred and sixty seven, and the beginning of the next session of parliament, to declare or resolve upon any increase of dividend beyond the rate of ten pounds *per centum per annum*, being the rate at which the dividend for the half year, ending the twenty fourth day of *June*, one thousand seven hundred and sixty seven, is made payable.

III. And' be it further enacted by the authority aforesaid, That no balloting upon any question proposed in any general court of the said company, relative either to the declaration of a dividend, or to any other matter whatsoever, shall be begun within a less space of time than eight hours after the adjournment, or breaking up, of the general court in which it shall have been determined that such question should be decided by balloting; and that in no case the balloting shall be begun at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

closed before 6 P. M.

CAP. L.

An act for amending certain laws relating to the revenue of the post office; and for granting rates of postage for the conveyance of letters and packets between Great Britain and the Isle of Man, and within that island.

Preamble.

WHEREAS it is of the utmost importance to the trade and commerce of these kingdoms, that all letters, packets, bank notes, bills of exchange, and other things, may be sent and conveyed by the post, with the greatest safety and security; and it having been found necessary, that some further regulations and provisions should be made for that purpose; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any deputy, clerk, agent, letter-carrier, post-boy, or rider, or any other officer or person whatsoever, employed, or to be hereafter employed, in receiving, stamping

Officers, or others employed in any

ing, sorting, charging, carrying, conveying, or delivering, letters or packets, or in any other business relating to the post office, shall, from and after the first day of *November*, one thousand seven hundred and sixty seven, secrete, embezzle, or destroy, any letter or letters, packet or packets, bag or mail of letters, which he, she, or they, shall and may be respectively intrusted with, or which shall have come to his, her, or their hands or possession, containing any bank note, bank post bill, bill of exchange, exchequer bill, *South Sea* or *East India* bond, dividend warrant of the bank, *South Sea*, *East India*, or any other company, society, or corporation, navy or victualling or transport bill, ordnance debenture, seaman's tickets, state lottery ticket or certificate, bank receipt for payment on any loan, note of assignment of stock in the funds, letter of attorney for receiving annuities or dividends, or for selling stock in the funds, or belonging to any company, society, or corporation, *American* provincial bill of credit, goldsmith's or banker's letter of credit or note for or relating to the payment of money, or other bond or warrant, draught, bill, or promissory note whatsoever for the payment of money; or shall steal and take out of any letter or packet that shall come to his, her, or their hands or possession, any such bank note, bank post bill, bill of exchange, exchequer bill, *South Sea*, or *East India* bond, dividend warrant of the bank, *South Sea*, *East India*, or any other company, society, or corporation, navy or victualling or transport bill, ordnance debenture, seaman's ticket, state lottery ticket or certificate, bank receipt for payment on any loan, note of assignment of stock in the funds, letter of attorney for receiving annuities or dividends, or for selling stock in the funds, or belonging to any company, society, or corporation, *American* provincial bill of credit, goldsmith's or bankers letter of credit or note for or relating to the payment of money, or other bond or warrant, draught, bill, or promissory note whatsoever, for the payment of money; every such offender or offenders, being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty seven, if any person or persons whatsoever shall rob any mail or mails, in which letters are sent or conveyed by the post, of any letter or letters, packet or packets, bag or mail of letters; or shall steal and take from or out of any such mail or mails, or from or out of any bag or bags of letters, sent or conveyed by the post, or from or out of any post office, or house or place for the receipt or delivery of letters or packets sent or to be sent by the post, any letter or letters, packet or packets; although such robbery, stealing, or taking, shall not appear, or be proved, to be a taking from the person, or upon the King's highway, or to be a robbery committed in any dwelling-house, or any coach-house, stable, barn,

or

being convicted, shall suffer death, without benefit of clergy.

Officers, or others, employed in any business relating to the post office, who shall burn or destroy any letter to be sent by post, for which they have received the postage; or who shall advance the postage on any post letters, without duly accounting for the money; are deemed guilty of felony.

A packet-boat to be established between Whitehaven and the port of Douglas in the Isle of Man, for the conveyance of letters.

Rates of postage to be paid thereupon.

The rates.

or any out-house belonging to a dwelling-house; and although it should not appear that any person or persons were put in fear by such robbery, stealing, or taking; yet such offender or offenders, being thereof convicted as aforesaid, shall nevertheless respectively be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

III. And be it further enacted by the authority aforesaid, That if any deputy, clerk, agent, letter-carrier, officer, or other person whatsoever, employed or hereafter to be employed in any business relating to the post office, shall take and receive into his, her, or their hands or possession any letter or letters, packet or packets, to be forwarded by the post, and receive any sum or sums of money therewith for the postage thereof, shall, after the said first day of *November*, one thousand seven hundred and sixty seven, burn or otherwise destroy any letter or letters, packet or packets, by him, her, or them, so taken in or received; or if any such deputy, clerk, agent, letter-carrier, officer, or other person whatsoever, so employed, or hereafter to be so employed, shall advance the rate or rates of postage upon any letter or letters, packet or packets, sent by the post, and shall secrete, and not duly account for, the money by him, her, or them, received for such advanced postage; every such offender or offenders, being thereof convicted as aforesaid, shall be deemed guilty of felony.

IV. And whereas it hath been found necessary, for the convenience and improvement of trade and commerce, and for the more safe and speedy conveyance of letters and packets between Great Britain and the Isle of Man, to establish a packet-boat between the port of Whitehaven in the county of Cumberland, and the port of Douglas in the said Isle of Man; be it enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty seven, it shall and may be lawful to and for his Majesty's postmaster general, and his deputy and deputies by him thereunto sufficiently authorized, to and for the use of his Majesty, his heirs, and successors, to demand, have, receive, and take, for the post and conveyance of all and every the letters and packets that shall be carried or conveyed by packet-boats to or from the port of *Whitehaven* aforesaid, or any other convenient port in the kingdom of *Great Britain*, from or to the port of *Douglas* aforesaid, or any other convenient port in the said *Isle of Man*, (over and above all other rates payable for such letters or packets) according to the rates and sums hereafter mentioned (the same being rated either by the letter, or by the ounce) that is to say,

For every single letter, two pence.

For every double letter, four pence.

For every treble letter, six pence.

And for every ounce, eight pence.

And so in proportion for every packet of deeds, writs, and other things.

V. And

V. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty seven, it shall and may be lawful to and for his Majesty's post-master general to establish post offices and post roads within the said *Ile of Man*, wherever it shall appear to him to be necessary and convenient for the benefit of trade and correspondence so to do; and that it shall and may be lawful for such post-master general, and his deputy and deputies by him thereunto sufficiently authorized, to and for the use of his Majesty, his heirs, and successors, to demand, have, receive, and take, for the inland port or conveyance of all letters and packets sent or conveyed by the post within the said isle, such rates of postage in proportion to the number of miles or stages such letters and packets are carried or conveyed by the post, as now are respectively settled, established, and ascertained, to be paid for the inland port or conveyance of letters and packets within that part of *Great Britain* called *England*.

Convenient post offices, and post roads, established within the said island.
Inland port of letters there, to be charged after the rate of postage in *England*.

VI. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty seven, all and every the clauses, provisions, powers, privileges, advantages, disabilities, penalties, and methods for the recovery of the same, and all other matters and things contained in an act made in the ninth year of the reign of her late Majesty queen *Anne*, intituled, *An act for establishing a general post office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions*, (and not repealed or altered by any subsequent law;) as also in an act made in the sixth year of the year of his Majesty King *George* the First, intituled, *An act for preventing frauds and abuses in the public revenues of excise, customs, stamp duties, post office, and house money*, so far as the said act relates to the post office; as also in an act made in the twenty sixth year of the reign of his Majesty King *George* the Second, intituled, *An act for the more effectual preventing the fraudulent removal of tobacco by land or water, and for the ease of the fair trader; and for ascertaining the rates payable for the postage of certain letters; and for amending and explaining the laws relating to the sale of spirituous liquors by retail*; so far as the said act relates to the post office; as also in an act made in the fourth year of the reign of his present most gracious Majesty, intituled, *An act for the preventing frauds and abuses in relation to the sending and receiving letters and packets free from the duty of postage*; as also in an act made in the fifth year of his present Majesty, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of queen Anne, and in other acts relating to the revenue of the post office*; and also in this present act, or in any other act relating to the post office, shall extend, and be deemed and construed to extend, to the said *Ile of Man*, and to all his Majesty's subjects within the said isle, as fully and effectually in every respect, as if the said isle, and his Majesty's subjects therein, had been

clauses, provisions, powers, privileges, penalties, &c.
in act 9 *Anne*.
not repealed or altered by any subsequent law; and in act 6 *Geo*. 1.
and in act 16 *Geo* 2.
so far as the same relate to the post office, also in act 4 *Geo*. 3.
and act 5 *Geo*. 3.
and this present, or other act relating to the post office, extended to the *Ile of Man*.

Monies arising
by the postage
there, after all
charges de-
ducted,

to be applied
as the present
rates of post-
age.

Limitation of
actions.

General Issue.

Treble costs.

been expressly included in the said several acts, or in any of them.
VII. And be it enacted by the authority aforesaid, That all the monies arising by the rates aforesaid, except the monies which shall be necessary to defray such expences as shall be incurred in the collection and management of the same, and all other expences attending the said office, and the due execution of the acts relating thereto, shall be appropriated and applied to such and the same uses to which the present rates of postage are respectively now by law appropriated and made applicable.

VIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the same shall be commenced within six months after the fact committed, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the General Issue, and give this act, and the special matter, in evidence, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or suit shall be commenced after the time before limited for bringing the same, that then the jury shall find for the defendant or defendants; and upon a verdict for the defendant, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law.

C A P. LI.

An act for improving the navigation of the river Lee, from the town of Hertford to the river Thames; and for extending the said navigation to the flood-gates belonging to the town mill, in the said town of Hertford.

Preamble, re-
citing act 12
Geo. 2.

WHEREAS by an act passed in the twelfth year of the reign of his late Majesty, intituled, An act for ascertaining, preserving, and improving, the navigation of the river *Lee*, from the town of *Hertford* to the town of *Ware*, in the county of *Hertford*; and for preserving and improving the said river from the said town of *Ware*, to the new cut or river made by the mayor, commonalty, and citizens of *London*; and for enabling the governor and company of the *New River* the better to supply the cities of *London* and *Westminster*, and the liberties and suburbs thereof, with good and wholesome water, several powers were granted to trustees therein and thereby appointed, for preserving and improving the navigation of the said river *Lee*: And whereas as the powers thereby granted have been found to be insufficient to answer the good purposes thereby intended: And whereas by an act passed in the thirteenth year of the reign of *Queen Elizabeth*, intituled, An act for the bringing of the river *Lee* to the north side of the city of *London*, the whole jurisdiction, conservation, rule, and

and government of the said new cut or river, mentioned to have been made by the mayor, commonalty, and citizens of London, are vested in the said mayor, commonalty, and citizens, and their successors for ever: And whereas a divided jurisdiction upon one and the same navigation must be productive of great inconveniences: And whereas the navigation of the river Lee from the town of Hertford to the river Thames, in its present state, is attended with many difficulties and delays, and liable to many obstructions: And whereas the further improving of the said navigation of the said river Lee, and the extending the navigation thereof to the flood-gates belonging to the town mill in the said town of Hertford, will be of great benefit and advantage to the city of London, and to the counties of Hertford, Essex, and Middlesex, and will be of publick utility: And whereas by a survey lately made under the direction of the said trustees, it appears, that the said navigation is capable of being greatly improved; and that the said river Lee is capable of being made navigable to the said flood-gates belonging to the town mill in the said town of Hertford: And whereas the said purposes cannot be effected without the aid of parliament; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the trustees appointed in or by virtue of the said recited act of the twelfth year of the reign of his late Majesty, together with Sir Anthony Thomas Abdy baronet, Stratherd Abdy clerk, Bartholomew Abell, Jeremiah Acres, Samuel Atkinson, Thomas Adams, Joseph Adams, Thomas Adderly, the right honourable Conway, commonly called lord Beauchamp; Sir William Baker knight, Thomas Brand, Thomas Brand junior, Joseph Bird, Thomas Blackmore, William Baker, George Poyner Bisse, John Boteler, Edward Baintun, Michael Harvey Breton, Charles Boddam, Calvert Bowyer, Elias Brownsword, Booth, William Berners, Nathaniel Brassey, Charles Berners, Peregrine Bertie, Samuel Bosanquet, Robert Boothby, Richard Benyon, Richard Wilbraham Bootle, James Barwick, John Banks, John Brewitt, James Beavoir, Richard Beavoir, Thomas Boddam, the right honourable James Brydges, commonly called marquis of Carnarvon; the right honourable Cecil, commonly called lord viscount Cranbourn; the right honourable Edward Cornwallis, Sir Richard Chaise knight, Sir John Chapman baronet, Nicholson Calvert, Richard Cox, John Calvert, Timothy Caswall, Peter Calvert LL.D. Edward Coddington, Benjamin Cherry, Thomas Creevy, Richard Chiswell, William Clarke, Cadwallader Coker, Robert Child, William Currie, George Richard Carter, Pryse Campbell, Nathaniel Cholmley, Grey Cooper, Peregrine Cust, George Cooke, Charles Dingley, Henry Dunster, Joseph Dimsdale, John Dixon, Thomas Docwra, Philip Delabaze, John Darker, Samuel Dixon, Thomas Dew, John Dell, James Eyre, Ralph Freeman D. D. Rose Fuller, Henry Fuller, Richard Fuller, Thomas Fanshawe, William Forrister, the right honourable lord Adam Gordon, Sir John Griffin Griffin baronet,

baronet, Sir *Alexander Grant* baronet, *Charles Gardiner*, *Richard Gulston*, *Edward Gardiner*, *James Gordon*, *John Gripper*, *William Griper*, *Joseph Gridley*, *Bradshaw Galliard*, *Pieris Galliard*, *Daniel Goatley*, *John Gawler*, *Sherman Godfrey*, *Edward Groves*, *Thomas Glinester*, *James Grenville junior*, *Joseph Gascoyne*, *Bamber Gascoyne junior*, *Amie Garnault*, *Charles Gore*, *James Graham*, *Jacob Houblon*, *Jacob Houblen junior*, *William Hall*, *Richard Hall*, *Hume*, *Humphry Hall*, *Eliab Harvey*, *Hinde*, *Robert Hinde of Preston*, *John Howell*, *John Harding*, *Daniel Haydon*, *Hutchinson*, *John Henniker*, *Heath*, *Heath*, *John Hankin*, *George Hankin*, *Richard Hare*, *John Hyde*, *Francis Herne*, *John Huske*, *Richard Hassell*, *Jeremiah Rayment Hadley*, *William Harris*, *Sir Conyers Jocelyn* baronet, *Robert Jacomb*, *Israel Jallabert*, *George Jennings*, *John Jennings*, *Jackson*, *Richard Iles*, *Robert Jones of Old Ford*, *Richard Jackson*, *Robert Jones*, *Keck*, *William Coomber Kirby*, the right honourable lord viscount *Lisburn* in the kingdom of Ireland, *Sir Matthew Lamb* baronet, *Penistone Lamb*, *John Luther*, *John Leachman of Holdesdon*, *John Lefevre*, *Peter Lefevre*, *Isaac Lefevre*, *George Lake*, *Edward Lewis*, *John Lockwood*, *John Leapidge*, *John Rogers Lawton*, *William Lake*, the honourable *George Monson*, *Sir William Maynard* baronet, *Masterman*, *Joseph Martyn*, *Thomas Morgan*, *Charles Morgan*, *Charles Mahew*, *Thomas Marlborough*, *Peter Muilman*, *Richard Muilman*, *John Mallet*, *Richard Mills*, *Joseph Mellish*, *Christopher Molineux*, *Crisp Moineux*, *Adolphus Meetberke*, *Charles Maynard*, the right honourable *Frederick North*, commonly called lord *North*; *Abraham North*, *Richard Nicholas*, *James Noel*, *Arnold Nafbit*, *Sir William Owen* baronet, *George Onslow*, *George Orgar*, *Abraham Ogilvie*, *Robert Henley Ongley*, *Oliver*, *Sir William Beauchamp Proctor* baronet, *George Prescott*, *Newdigate Poyntz*, *David Pool*, *George Prescott junior*, *Michael Pepper*, *Board Packer*, *George Proctor*, *George Phelps*, *John Paterson*, *John Phillips*, *Robert Pell*, *Jens Pederson*, *Matthew Raper*, *John Raper*, *John Radcliffe*, *John Runnington*, *Samuel Rogers*, *William Rackstraw*, *John Roberts*, *Joshua Reynolds*, *Hencage Robinson*, *Isaac Martin Robow*, *Jeremiah Rayment*, *John Rigg*, *Sir John Saunders Sebright* baronet, *Sir Thomas Salisbury* knight, *Richard Stanley*, *John Shaw*, *John Sabine*, *Joseph Sabine*, *Francis Stanley* clerk, *Laurence Sullivan*, *Samuel Scott of Hertford*, *John Smart*, *Seymour Stocker*, *Richard Smith*, *William Squire*, *Henry Stout*, *Samuel Scott of Arnwell*, *John Scott of the same*, *George Sealy*, *Charles Smith of Stratford*, *William Sotheby*, *Henry Seymour*, *William Squire*, the reverend *F. Stanley junior*, *Joseph Smith*, *Henry Spurling*, *John Sawbridge*, *Scudamore*, *Henry Southouse*, *Thomas Scot*, *Samuel Scot*, *Charles Steide*, *Charles Smith*, *James Spragg*, *Robert Salmon*, *Lister Silmon*, *John Shelley*, *Henry Schiffner*, *John Stephenson*, *John Strutt*, *John Shakespear*, *Daniel Stacy*, *Christopher Scott*, *William Southouse*, *William Sirwell*, *Richard Salway*, the right honourable the earl of *Thomond* in the kingdom of Ireland, the right honourable the earl of *Tilney* in the kingdom of Ireland, the right

right honourable *Charles Townshend, James Turvin, James Townshend, Francis Tyssen, Thomas Thoroton, John Tucker, George Forster Tuffnell, Thomas Teshmaker, John Usborne, Benjamin Vaughan, George Wright, Samuel White, Samuel Wake, William Walley M. D. Lewis Weston, Benjamin Wellington, Peter Walley, Isaac Whittington, Bouchier Walton, Edward Woodcock, Arthur Warren, Joshua Winter, Ralph Winter, John Weyland, Edward Woodcock clerk, Charles Whitworth, Joseph Wilcocks, Thomas Winspear, the honourable Charles York, Thomas Yate, M. D. the lord mayor, court of aldermen, and recorder of the city of London for the time being, the comptroller of the works and revenues of London Bridge for the time being, the mayor and recorder of the borough of Hertford for the time being, the governor deputy governor, and treasurer, of the new river company for the time being, shall be, and they are hereby appointed trustees for the making, extending, improving, and maintaining the navigation of the said river Lee, from the flood gates belonging to the town mill in the town of Hertford to the river Thames, and and for putting this act in execution; and that the said trustees, or any five or more of them, shall be, and they are hereby authorized and impowered, from time to time, at their discretion, to cleanse, scour, deepen, enlarge, or straighten the channel or course of the said river Lee; and also to set out, open, make, and maintain, all or any of the new cuts or canals, herein after specified and described to communicate with the said river Lee, and to be used for the said navigation; and also to remove all obstructions and impediments whatsoever to the said navigation; and also to build, erect, set up, and make over or in the said channel or course of the said river, and the new cuts, and canals aforesaid, and upon the lands and grounds adjoining or near to the same, such and so many bridges, locks, staunches, flood gates, pens of water, weirs, stanks, weigh-beams, cranes, or other engines of the like kind, as they shall think necessary or convenient for the said navigation, and from time to time to alter and repair the same; and also to set out and make towing-paths, or haling-ways upon any of the lands or grounds aforesaid, for towing, or drawing with men, or horses, or other cattle, boats, or other vessels using the said navigation; and also to dig, take, and carry away, clay, gravel, stone, or other materials, proper for carrying on the said works, and to be used and expended only in the said works, in and from any of the lands and grounds aforesaid (excepting only gardens, orchards, yards, parks, paddocks, inclosed lawns, and avenues to houses planted with trees;) and to carry and convey timber and all other materials for the said works upon, through, and over, the lands or grounds of any persons whatsoever, to the respective places where the said works respectively are intended to be made, and to place, lay, and manufacture, the said materials on the lands or grounds adjoining or near to such respective places; and generally to do and perform all acts, matters, and things, which the said trustees, or any five or*

Their power.

more of them, shall think necessary for the making, extending, improving, and maintaining, the said navigation of the said river *Lee*, from the flood gates belonging to the town mill in the town of *Hertford*, to the river *Thames*, and to enable them to execute the powers hereby vested in them.

Satisfaction
for damages.

II. Provided always, That a full and adequate satisfaction and compensation be made in manner herein after mentioned to all persons for the damages they may sustain from the carrying this act into execution as aforesaid.

Cuts to be
made.

III. And be it further enacted, That the said trustees, or any five or more of them, shall be, and they are hereby impowered, to set out, open, make, and maintain, one new cut or canal, to be used for the said navigation, leading from the said river *Lee*, at or near a place called *The Folly*, into and down part of *Dicker Mill Stream*, and to be carried out of the said stream above *Dicker Mill*, into the channel of the said river, now used for navigation, at any place they shall think most convenient for the said navigation, between *Constant's Weir* and *Manifold Ditch*; one other new cut or canal, to be used for the said navigation, leading from the tail of the cistern or lock above *Ware Mill*, into the aforesaid channel on the south side thereof, at any place above *Water Lane* near the *Priory Orchard*; one other new cut or canal to be used for the said navigation, leading from the aforesaid channel, at any place above *Ware Weir*, and below *Ware Bridge*, into the same channel on the south west side thereof at any place above *Stansted Bridge*; one other new cut or canal to be used for the said navigation, leading from the aforesaid channel below *Stansted Bridge* into the same channel above the tail stream of *Stansted Mill*; one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel above *Field's*, otherwise *Rye Bridge Weir*, into the same channel on the north west side thereof at any place between *Archer's Weir* and *Field's Weir*; one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel above *Dobb's Weir*, otherwise the *New Turnpike*, into the same channel on the east side thereof below the stream leading into the head of *Broxbourn Mill*; one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel above *Carthogena Turnpike*, into the same channel a little below the same; one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel above *King's Weir*, over *Chestnut Mill Stream*, into the same channel at or near the west tail stream of the powder mills near *Waltham Abbey*; one other new cut or canal, to be used for the said navigation, leading from the said river *Lee* above *Sotbeby's Upper Weir*, otherwise called *Newman's Weir*, on the west side thereof, and to run to, and communicate with, *Enfield Mill Stream*, at any distance not more than one hundred yards to the southward of and below the lock called *Enfield Lock*, erected at the head of the said mill stream and from thence to run through *Enfield Mill Stream* (which the said trustees

(tees may enlarge for that purpose) to any distance not nearer than three hundred and forty yards to the northward of and above *Enfield Corn Mill*, and from thence to make another cut or canal, to be used for the said navigation, to the eastward of the said mill stream, to run into, and communicate again with, the same at any distance not nearer than two hundred and four yards below *Enfield Mill*, and from thence to run through so much of the said mill tail stream as the said trustees, or any five or more of them, shall think proper; and from thence to make another cut or canal through part of *Enfield* and *Edmonton Marshes*, across the ditch that parts *Edmonton* and *Tottenham Marshes*, and through part of *Tottenham Marsh*, into and through the tail stream of *Tottenham Mill*, into the same channel; one other new cut or canal, to be used for the said navigation, leading from the said channel below *Flander's Wharf*, through several crooks, into the same channel, above the tail stream of *Walthamstow Mill*, one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel between *Lee Bridge* and the buildings belonging to *Hackney Water-works*, but not nearer than ten yards from the said buildings, through part of *Hackney Marsh*, into the same channel between *Pudding Mill Stream* and *Hackney Brook*, on the east side of *Jones's* callico grounds at *Old Ford*; and one other new cut or canal, to be used for the said navigation, leading from the aforesaid channel, at any place between *Bromley Lock* and *Bromley Hall*, through the parish of *Bromley Saint Leonards*, the hamlet of *Blackwall* and *Peplar*, in the parish of *Saint Dunstan Stepney*, otherwise *Stebonheath*, and the parish of *Saint Anne Limehouse*, in the county of *Middlesex*, to be carried on the north of *Limehouse* church, into the river *Thames* at or near *Limehouse Bridge Dock*.

IV. And be it further enacted, That the said trustees, or any five or more of them, shall have full power and authority to employ or contract with any person or persons for the executing of all or any of the said works; such contracts to be for such time or times, and under such conditions, as the said trustees, or any five or more of them, shall think proper; and such person or persons employed or contracted with as aforesaid, his or their agents, workmen, servants, and labourers, are hereby authorized and impowered to execute all and every the powers hereby intended to be vested in the said trustees.

Trustees impowered to contract for executing works.

V. And be it further enacted, That the said trustees, or any seven or more of them, shall be, and they are hereby, impowered to treat, contract, and agree, with the owners or proprietors of, and persons interested in, any messuages, weirs, turnpikes, locks, cisterns, tenements, or hereditaments, other than mills, which they the said trustees, or any seven or more of them, shall adjudge necessary, convenient, or proper, to become seized or possessed of, to be pulled down, destroyed, cut, digged, altered, removed, or otherwise made use of, for the purposes of this act, for the purchase thereof, at such price or prices, either by way of sum or sums of money in gross, or an-

Trustees impowered to purchase weirs, &c.

and indemnified therein.

nual rent or rents, as to the said trustees, or any seven or more of them, shall seem reasonable; and also to treat, contract, and agree, for the recompence and satisfaction to be made to the owners or proprietors, and persons interested in any messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, and hereditaments, or any other species of property, for the damage they may sustain by the execution of any of the powers of this act: and it shall be lawful for all bodies, politick, corporate, and collegiate, husbands, guardians, trustees, committees, executors, or administrators, for or in behalf of their cestuique trusts, whether infants or issue unborn, lunaticks, ideots, or femes covert, and to and for every other person or persons whomsoever, who are or shall be seised, or possessed of, or interested in, any such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, to contract for, and sell, and convey, the same unto the said trustees, or any seven or more of them, or to such person or persons as they or any seven or more of them, shall nominate and appoint, for such sum or sums of money in gross, or annual rent or rents, as shall be agreed upon, or to agree with the said trustees, or any seven or more of them, for any recompence to be made for the damage which may be done to any such messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or to any other property, by the execution of any of the powers of this act; and that all such contracts, agreements, bargains, sales, and conveyances, shall, without any fine or fines, recovery or recoveries, be good and valid in the law, to all intents and purposes, not only to convey all the estate, right, title, and interest, of the person and persons conveying, but also to convey all the estate, right, title, interest, use, property, claim, and demand whatsoever, of their severall and respective cestuique trusts, whether infants or issue unborn, lunaticks, ideots, femes covert, or other person or persons whomsoever, and all claiming, or to claim, by, from, or under them, or any of them; any law, statute, usage, or any other matter or thing, to the contrary thereof in any wise notwithstanding: And that all persons so contracting, agreeing, and conveying, as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this act: and the said trustees, or any seven or more of them, may also adjust what proportion of the sum so agreed to be paid for such purchase or damage shall be allowed to the tenant or tenants of the said premises; and all such contracts, agreements, sales, and conveyances, so to be made as aforesaid, shall be inrolled by the clerk of the peace for the county wherein such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or other property, shall be respectively situate or being, within six months after the execution thereof; and true copies of the same, without stamps, signed by the clerk of the peace for the time being, shall be deemed and taken to be good evidence thereof in all courts whatsoever.

VI. And be it further enacted, That where, by the making the said cuts or canals, or any of them, the property of any land owners shall be separated into small parcels, it shall and may be lawful to and for any such bodies politick, corporate, and collegiate, and any other such land owners, by and with the consent of the said trustees, or any seven or more of them, to be testified by any writing or writings to be by them sealed and delivered in the presence of two or more credible witnesses; to contract for, sell, and dispose of, or to convey in exchange in lieu of other lands or hereditaments, all or any part of such lands or grounds through which the said intended cuts or canals, or any of them, or any part of them, or any of them, shall be made, to any person or persons whomsoever, for such price or prices in money or other equivalent, as to the said trustees, or any seven or more of them shall seem reasonable; and all such contracts, sales, exchanges, conveyances, and assurances, shall be valid and effectual in law to all intents and purposes; any law, statute, usage, or custom, to the contrary thereof in any wise notwithstanding: And all bodies politick, corporate, or collegiate, and all other persons whatsoever so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue and in pursuance of this act.

Where lands separated into small parcels, power to sell or exchange.

VII. And be it further enacted, That if any such bodies politick, corporate, or collegiate, or any person or persons who- soever shall, for the space of twenty one days next after notice in writing given to the principal officer or officers of such bodies politick, corporate or collegiate, or to such person or persons respectively, or left at the place or places of his, her, or their abode, or with the tenant or tenants in possession of the said messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, which it will be necessary for the said trustees to become seised or possessed of, or to cause to be cut, destroyed, digged, altered, removed, or used as aforesaid, neglect or refuse to treat, or shall not agree with the said trustees, or any seven or more of them, or by reason of absence shall be prevented from treating, or through disability by nonage, coverture, or other impediment, cannot treat for themselves, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim; then, and in every such case, the said trustees, or any seven or more of them, shall and may, and they are hereby authorized and empowered, from time to time, to issue out their warrant or warrants under their hands and seals, to be directed to the sheriff of the county wherein such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, shall be respectively situate or being; or in case such sheriff shall happen to be interested in the matter in question, or any ways related to any of the parties interested or concerned therein, then to one of the coroners of the said respective counties, commanding such sheriff or coroner respectively to impanel, summon, and return, a jury, to appear be-

Persons neglecting to treat for the sale of their weirs, lands, &c.

Jury to be summoned,

fore the said trustees, or any seven or more of them, at a time and place to be specified in such warrant; and the said sheriff or coroner respectively, to whom the said warrant or warrants shall be directed, is hereby required accordingly to impanel, summon, and return, a jury of twenty four able and sufficient men, qualified according to the laws and statutes of this realm to be returned for trials of issues joined in his Majesty's courts at *Westminster*, to appear before the said trustees, or any seven or more of them, at such time and place as by such warrant or warrants shall be directed and appointed, not being less than ten days after such warrant shall be served upon the said sheriff or coroner respectively, or more than twenty one days after such service, upon pain to forfeit for every default, in not making such return, twenty pounds, to be sued for and recovered in the manner herein after directed; and also to return in issues upon every person so impanelled and returned, not appearing, contrary to the true intent and meaning of this act, the sum of forty shillings, which shall be levied upon the goods and chattles of the person not appearing as aforesaid, by warrant or warrants under the hands and seals of the said trustees, or any seven or more of them; and in case a sufficient number of jurymen shall not appear, the said sheriff or coroner shall return other honest and indifferent men of the standers-by, or that can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said jury to the number of twelve; and all parties concerned shall and may have their lawful challenges against any of the said jurymen: and the said trustees, or any seven or more of them, are hereby impowered and required, by warrant or warrants under their hands and seals, from time to time, as occasion shall require, to summon and call before them all and every such person and persons as shall be thought proper or necessary to be examined as witnesses by the said trustees, or any seven or more of them, or any of the parties interested, touching the matters in question; and the said trustees, or any seven or more of them, shall and may, in case they think the same proper, or shall be required so to do by any person or persons interested, order and authorize the said jury, or any six or more of them, to view the place or places, or matters, in question; which jury, upon their oath, to be administered by the said trustees, or any two or more of them (which oath, as also the oaths to such person or persons as shall be called upon to give evidence, the said trustees, or any two or more of them, are hereby impowered to administer) shall inquire of, assess, and ascertain, what sum or sums of money shall be paid, either by an annual rent or payment, or by a sum in gross, for the purchase of any such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, and the recompence to be made for damages to the owners or occupiers of, and persons interested in any messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or any part thereof, or any other property, that shall or may be sustained as aforesaid; and shall (except in such cases where

who shall ascertain the sums to be paid for purchases and damages.

Where the monies to be for such purchases are to be laid out and invested in the purchase of other lands, tenements, and hereditaments, as herein after directed) settle and ascertain in what proportion the sum or sums, rent or recompence, so assessed, shall be paid or made to the several persons respectively interested in the premisses: and the said trustees, or any seven or more of them, shall give judgement for such sum or sums, rent, damages, and recompence, so to be assessed by such jury; which said verdict, and the said judgement thereupon declared or pronounced by the said trustees, or any seven or more of them, and the value, damages, and recompence, so assessed, shall be binding and conclusive, to all intents and purposes, against all and every party or parties, their heirs, successors, executors, administrators, assigns, and all others claiming any estate, right, title, or interest, in the same messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or any thing thereunto belonging or appertaining, in possession, reversion, remainder, or expectancy, or otherwise, as well bodies politick, corporate, and collegiate, infants, ideots, lunaticks, femes covert, tenants in tail, or others, and their respective heirs, successors, executors, and administrators, and all claiming by, from, or under him, her, or them, or any of them.

Verdict of the jury to be final

VIII. Provided always, That notice of the time and place of making such inquiry and assessment, by a jury as aforesaid, shall be given to or left at the usual or the last places of abode of the parties interested, or the tenants or occupiers of the premisses respectively, at least ten days before such inquiry or assessment.

Proviso.

IX. And be it further enacted, That if any person or persons summoned as aforesaid to give evidence, shall neglect or refuse to appear at such time or times, place or places, as shall be appointed in the warrant or warrants granted by the said trustees, or any seven or more of them, for that purpose; or appearing, shall refuse to be sworn or examined by, or give evidence before, the said trustees; or if any person, summoned as a juryman as aforesaid, shall, after his appearance, refuse to be sworn, or, being so sworn, refuse to give, or not give, his verdict, or in any other manner wilfully neglect his duty in the premisses, contrary to the true intent and meaning of this act; every person so offending, having no reasonable excuse, to be allowed by the said trustees, or any seven or more of them, shall, for every such offence, forfeit and pay any sum not exceeding the sum of ten pounds, to be levied by warrant or warrants under the hands and seals of the said trustees, or any seven or more of them, by distress and sale of the offender's goods and chattles; returning the overplus to the owners thereof, after such penalty, and the charges of such distress and sale, shall be deducted.

Penalty on witnesses refusing to give evidence.

X. And be it further enacted, That the said verdicts and judgements shall be set down in writing, without any stamps thereupon, under the hands and seals of the trustees acting in the premisses, or any three or more of them, and shall be delivered to the clerk of the peace for the respective county wherein

Verdicts to be kept by the clerks of the peace.

such

such verdicts shall be respectively given, and be kept amongst the records and writings of the quarter sessions of the peace for the time being of the said county; and the same or true copies thereof, without stamps, shall be taken, adjudged, and deemed good and sufficient evidence and proof in any court of law or equity whatsoever; and all persons may have recourse to the same at all convenient times, paying for every such inspection one shilling; and may take copies thereof without stamps, paying for every copy not exceeding one hundred words, the sum of six pence, and so proportionably for any number of words.

Upon payment
or tender of
money,

XI. And be it further enacted, That upon payment of the sum or sums, or annual rent or rents, so agreed or contracted for, or assessed and adjudged for damages as aforesaid to the parties concerned, or for the purchase of any such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or legal tender thereof made to them respectively (which sum or sums of money, or annual rent or rents, the said trustees, or any five or more of them, are hereby authorized to pay out of the monies to be raised by virtue of this act;) or in case any such parties cannot be met with, or shall refuse to accept the same, then, upon payment of such sum or sums, or annual rent or rents, into the hands of such person or persons as the said trustees, or any five or more of them, shall, under their hands in writing, appoint, for the use of the parties interested as aforesaid, it shall and may be lawful to and for the said trustees, or any five or more of them, or their agents, workmen, and servants, to enter, pull down, destroy, cut, dig, alter, remove, or otherwise use such or so much of the said messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, for which such value, damages, or recompence, shall have been contracted for, agreed on, assessed, or adjudged, as aforesaid, and thereon to make, erect, and do any works, matters, or things, for the improving the said navigation, and for the supporting and maintaining the same, or for executing any of the powers of this act, as the said trustees, or any five or more of them, shall think requisite; and this act shall be sufficient to indemnify as well the said trustees, as all persons employed or authorized by them, against the said owners, occupiers, or other persons interested, their successors, executors, administrators, and assigns, and against all and every other person and persons, to all intents and purposes whatsoever.

trustees may
enter and pro-
ceed on the
works of the
navigation.

Purchase-mo-
nies to be laid
out to the
same uses.

XII. And be it further enacted, That all sums of money which are to be paid to any bodies politick, corporate, or collegiate, husbands, guardians, trustees, committees, executors, or administrators, for or on behalf of any cestuique trusts, whether infants or issue unborn, lunaticks, ideots, or femmes-covert, or to any person or persons whose estate or estates is or are limited in strict settlement, for the purchase or exchange of any messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments aforesaid, shall, in case the same exceed the sum of fifty pounds, by such bodies politick, corporate, or collegiate, hus-
bands,

wards, guardians, trustees, committees, executors, or administrators, or other person or persons seized of such messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, so limited in strict settlement, be laid out as soon as conveniently may be in the purchase of lands, tenements, and hereditaments, in fee-simple; such lands, tenements, or hereditaments, so to be purchased, to be conveyed to or to the use of such bodies politick, corporate, or collegiate, husbands, guardians, trustees, committees, executors, or administrators, or to and for such other person or persons, and for such estates, and to, for, upon, and subject to such uses, trusts, limitations, remainders, and contingencies, as the messuages, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, for or in respect whereof such purchase-monies, or monies received in exchange, shall be paid as aforesaid, were limited, settled, and assured, at the time such purchase-monies, or monies received in exchange, were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such uses as shall be then existing and capable of taking effect; and in the mean time, and until such purchase and purchases shall be made, the said monies shall be placed out by such bodies politick, corporate, or collegiate, husbands, guardians, trustees, committees, executors, or administrators, or other person or persons, in some of the publick funds, in the names of two or more persons, the one to be nominated by the party or parties interested therein, and the other by the said trustees, or any five or more of them; and the interest arising or to be produced from such funds shall be paid to such person or persons respectively as would, for the time being, be intitled to the rents and profits of such lands, tenements, and hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the tenor and true meaning of this act.

XIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said trustees, or any five or more of them, or such person or persons as they, or any five or more of them, shall appoint, without any previous payment or tender of recompence, to enter upon and take a survey and level of, and to mark out any lands, tenements, or hereditaments which they the said trustees, or any five or more of them, shall think necessary to be used for any of the purposes of this act, doing thereby as little damage as may be, and giving two days notice at the least of such entry to the respective owners or occupiers of such lands, tenements, or hereditaments, and making satisfaction as soon as may be for all damages which shall be thereby occasioned, in case such damages shall exceed the sum of one shilling.

XIV. And be it further enacted, That if any person or persons, bodies politick, corporate, or collegiate, or others, at any time after the said trustees, or any person or persons employed or authorized by them, shall have begun to carry this act into execution, for the improving or extending the said navigation,

or after they shall have completed the same, shall happen to sustain any damages or injury, in his, her, or their messuages, mills, weirs, locks, cisterns, turnpikes, lands, grounds, tenements, hereditaments, bridges, fences, or otherwise, by any act, neglect, or default of the said trustees, or of their agents, workmen, or servants, or by reason of any alteration which shall be made by them, or any or either of them, on the said river, or on the said cuts or canals, or works to be made by virtue of this act, for which they shall have no recompence or satisfaction, or for which no recompence or satisfaction is hereby otherwise provided; then, and in every such case, a demand of satisfaction for such damages shall be left in writing with the clerk of the said trustees, or at his usual place of abode; and that it shall be lawful for the said trustees, or any seven or more of them, and they are hereby required within the space of ten days after the next meeting of the trustees, such demand or satisfaction made as aforesaid, to offer to such person or persons, bodies politick, corporate, or collegiate, by writing signed by their said clerk, such sum or sums of money or other recompence as they shall think an adequate compensation for such damages as aforesaid: and in case such person or persons shall be dissatisfied with such sum or sums of money, or other recompence so offered, or in case no such offer shall be made within such time as aforesaid, then if the person or persons sustaining such damages, shall, by notice in writing under his or their hand or hands, to be delivered to the clerk of the said trustees, or left at his usual place of abode, require the same, the said trustees, or any seven or more of them, shall, and they are hereby required, within the space of thirty days next after the meeting of the said trustees after such notice so delivered as aforesaid, to enquire of and ascertain such damages by a jury to be impanelled, returned, and sworn, in manner herein before mentioned, and give judgement for the party or parties aggrieved, and record the same accordingly in the same manner and form as the damages and recompences are herein before appointed to be assessed and adjudged for any messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, hereditaments, or other property, which shall in any ways be made use of, cut, destroyed, or damnified, in improving or extending the said navigation as aforesaid.

XV. Provided always, That any person or persons sustaining such damage as aforesaid, shall have an option to have the same enquired of and ascertained by a jury in a manner aforesaid, or to appeal, in case such offer as aforesaid shall be made, and he or they shall not think fit to accept the sum or sums of money, or other recompence so offered; or, in case no such offer shall be made, to complain to the justices of the peace for the county or place where the cause of complaint shall arise, at their general or quarter sessions next after such offer shall have been made; or, in case of no such offer being made, at their general or quarter sessions next after the expiration of the time within which such offer ought to have been made; the person

or

Complainant
to have an
option, &c.

or persons so appealing giving security, to the satisfaction of some justice of the peace of such county or place, to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said general or quarter sessions, in case such recompence or satisfaction so offered shall be thought sufficient by the said justices; and the justices in the said general or quarter sessions, are hereby authorized and required to hear and determine such appeal or complaint, and to make order therein, and to award such costs as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable by any writ of *Certiorari*, or otherwise, into any of his Majesty's courts of record at *Westminster*, or elsewhere.

XVI. Provided also, That no person or persons whatsoever shall be intitled to satisfaction for any such damages as aforesaid, unless application in respect thereof shall be made to the said trustees, or their clerk, within the space of six calendar months after such damages shall have been sustained.

Application to be made in 6 months.

XVII. Provided also, That in case the said trustees, or any seven or more of them, shall not (being thereunto required) satisfy and pay the sum or recompence for such damage or injury to be offered as aforesaid, or which shall be so assessed and settled as aforesaid, within thirty days after such request made; it shall and may be lawful for the person or persons aggrieved to appoint one or more person or persons to receive the rates and duties to arise by virtue of this act, and thereout to pay all such damages so to be offered, assessed, and settled, as aforesaid; and the money to be received by such receiver or receivers shall and is hereby declared to be as so much money received to the use of such person or persons receiving damage or injury as aforesaid; and after such damages so settled and assessed as aforesaid shall be paid and satisfied, the power and authority of such receiver or receivers, for the purposes last mentioned, shall cease and determine.

In default of satisfaction, persons aggrieved may receive the tolls.

XVIII. And be it further enacted, That in all cases where any verdict as aforesaid shall be given for a greater sum than shall have been offered by, or on behalf of, the said trustees, or any seven or more of them, in writing, signed by the clerk of the said trustees; or in case no such offer shall have been made before the summoning of any such jury; that then, all the expences of summoning and maintaining such jury and the witnesses, and of taking such inquest, shall be paid by the said trustees, or any seven or more of them, out of the monies to arise or be paid by virtue of this act: but if any such verdict shall be given for no more or for a less sum than shall have been so previously offered by or on the behalf of the said trustees, or any seven or more of them, then, and in every such case, such expences (to be settled by any two of his Majesty's justices of the peace for the county wherein such jury shall be returned) shall be defrayed by the owners of, or the persons interested in, the messuages, mills, weirs, turnpikes, locks, cisterns, lands, tenements, or hereditaments, or other property in question:

Expences of the jury how to be paid.

forth and for ever thereafter, be paid and allowed, and the trustees appointed or to be appointed, by or in pursuance of this act, are hereby authorized, impowered, and required, to pay and allow unto the said Sir *William Maynard*, his heirs and assigns, out of the rates and duties by this act granted and directed to be received and taken, the annual rent or yearly sum of forty eight pounds of lawful money of *Great Britain*, clear of all taxes and deductions whatsoever, at or on the twenty fifth day of *December*, twenty fifth day of *March*, twenty fourth day of *June*, and twenty ninth day of *September*, in every year, by even and equal portions, as a satisfaction or compensation for any loss or damage which the said Sir *William Maynard*, his heirs or assigns, shall or may sustain in manner before mentioned; the first payment of the said annual rent, or yearly sum of forty eight pounds, to commence and be made on the first of the said days which shall happen next after the said boats, barges, lighters, or other vessels, shall by the ways and means before mentioned be prevented or obstructed from passing or repassing to, from, or through, the said weir belonging the said Sir *William Maynard* as aforesaid, or such lock or locks shall be erected as aforesaid: and in case of refusal or non-payment of the said annual rent or yearly sum of forty eight pounds, or any part thereof, for the space of forty days next after any of the days before appointed for payment thereof as aforesaid, the said Sir *William Maynard*, his heirs and assigns, shall and may have and take such and the same powers and remedies for receiving and recovering the said annual rent or yearly sum of forty eight pounds, or so much thereof as shall, from time to time, be in arrear and unpaid, and all the costs and expences attending the recovery thereof, as are in this act provided for the payment of any money or annuities that shall be granted and made payable by virtue of this act; and such annual rent or yearly sum of forty eight pounds shall be paid in preference to and have a priority against all other annuities, charges, payments, or sums of money which shall hereafter be created and become payable to any person or persons advancing money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in or made payable to the said trustees by virtue hereof.

XXVII. And be it further enacted, That when and so soon as the boats, barges, lighters, or other vessels, shall, by the ways and means before mentioned, be prevented or obstructed from passing or repassing to, from, or through, the said weir or turnpike belonging to the said Sir *William Maynard* as aforesaid; the said trustees shall, out of the first monies which shall be raised and received by them in pursuance of this act, erect and build in a substantial and workman-like manner a wharf on the *Essex* side of the said river, opposite to the place where the tail of *Tottenham* mill stream falls into the said river, of the same dimensions with the wharf now belonging to the said Sir *William Maynard* at *Hellyer's Ferry* aforesaid; and shall and do cause to

be

Trustees to build a wharf for Sir *William Maynard* on the *Essex* side of the river.

By removed the warehouses and other conveniencies on the said wharf at *Hellyer's Ferry* to such new wharf so to be erected as aforesaid; and shall and do make a good waggon road from such new wharf to the yard of the dwelling-house of the tenant of the said *Sir William Maynard* at *Hellyer's Ferry* aforesaid; and, from time to time, and at all times thereafter, keep the same in good condition and repair.

XXVIII. *And whereas there is a turnpike or lock upon the said river at or near Waltham Abbey, in the said county of Essex, now belonging to Sir William Wake baronet, and Peter Floyer esquire, where they receive a toll of five shillings for every boat or other vessel coming down the said river, which said turnpike or lock, when the new intended cut or canal is made from the said river above King's Weir aforesaid to the west tail stream of the powder mills near Waltham Abbey, will not be made use of for the purpose of the said intended navigation, and by means thereof the said toll will no longer be received at the said turnpike or lock; in order therefore to make compensation to the owners of the said turnpike or lock for the loss they will sustain by making such new cut or canal; be it further enacted, That from and immediately after the making and perfecting the said cut or canal from above King's Weir to the west tail stream of the powder mills near Waltham Abbey as aforesaid, and so soon as the same shall be made navigable, the said turnpike and the property thereof shall be vested in, and the same is hereby vested in, the trustees appointed to put this present act in execution, and their successors; and the said trustees and their successors, or any seven or more of them, shall, and they are hereby authorized and required to pay, or cause to be paid, unto the said Sir William Wake and Peter Floyer, their respective heirs and assigns, to and for such uses, intents, and purposes, as the said turnpike or lock now stands limited, or to such person or persons as they shall authorize and appoint to receive the same, out of the several rates and duties to be collected and received in pursuance of this present act, for every ton of goods, wares, merchandizes, or commodities, which shall be carried or conveyed down the said river through the said cut or canal from above King's Weir to the west tail stream of the powder mills near Waltham Abbey as aforesaid, the sum of one penny per ton, free from all deductions whatsoever, by four even and equal quarterly payments in the year (that is to say) on the feast of Saint Michael the archangel, the birth of our Lord Christ, the annunciation of the blessed Virgin Mary, and the nativity of Saint John the baptist; the first payment to begin and be made on such of the said feasts or days of payment as shall first and next happen after the said cut or canal from above King's Weir to the said west tail stream of the said powder mills near Waltham Abbey, shall be made navigable as aforesaid; and if the said payments, or any of them, or any part or parts thereof, shall be behind and unpaid for the space of twenty one days next after the same shall become due; then the said Sir William Wake and Peter Floyer, their heirs and assigns, shall and may have and take such*

Satisfaction to
Sir William
Wake and
Peter Floyer
for tolls now
received
by them.

and the same powers and remedies for receiving and recovering the said payments, and all arrears thereof, and all costs and expences attending the recovery thereof, as are in this act provided for the payment of any shares or annuities that shall be granted and made payable by virtue of this act; and such payments or tonnage shall be made and paid in preference to and have a priority against all annuities, payments, charges, or sums of money, which shall hereafter be created and become payable to any person or persons advancing money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in, or made payable to the said trustees by virtue hereof.

Satisfaction made to Sir Wm. Wake and Peter Floyer for tolls, shall be in full satisfaction to their tenant of the corn mills at Waltham Abbey.

XXIX. Provided always, and it is hereby enacted and declared, That from and after the making the said new cut from above *King's Weir* to the west tail stream of the powder mills near *Waltham Abbey* aforesaid, the said toll of one penny per ton hereby directed to be paid by the said trustees to the said Sir *William Wake* and *Peter Floyer*, their heirs, and assigns, shall be accepted and taken in lieu and satisfaction of the said toll of five shillings now paid to the said Sir *William Wake* and *Peter Floyer*, for every boat, barge, lighter, or other vessel, passing through the said turnpike or lock called *Waltham Turnpike*; and also in lieu and satisfaction of all payments which the tenant or occupier of the corn mills at *Waltham Abbey* aforesaid, belonging to the said Sir *William Wake* and *Peter Floyer*, shall thereafter claim or demand for any aid or assistance by such tenant or occupier given from the said mills to the passing of boats, barges, lighters, and other vessels, up or down the said river.

Power to Sir Wm. Wake and Peter Floyer to inspect books, to ascertain the number of boats and tonnage of goods carried therein.

XXX. And, for the better ascertaining what sum or sums of money shall, from time to time, be due and payable to the said Sir *William Wake* and *Peter Floyer*, their heirs, and assigns, in compensation for the said tolls as aforesaid; be it further enacted, That the said Sir *William Wake* and *Peter Floyer*, their heirs, and assigns, or such person or persons as they, either, or any of them, shall for that purpose appoint, shall and may, at any time or times hereafter, have full and free liberty and power of inspecting, examining, and taking copies at their own expence, of all such books, accounts, and entries, as shall at any time or times thereafter be made, entered, or kept, at the place nearest to *King's Weir*, where such books, accounts, or entries, shall be made, entered, or kept, by any person or persons appointed to receive any rates or duties to be collected and received in pursuance of this act, or otherwise respecting the said navigation, in order to see the number of boats, barges, lighters, and other vessels, that shall pass through the said cut or canal to be made from above *King's Weir* to the west tail stream of the said powder mills near *Waltham Abbey*, and the quantity or tonnage of the goods, wares, merchandizes, or commodities, which shall be carried or conveyed therein.

XXXI. And whereas by means of the said lock or turnpike on the said river called *Waltham Turnpike*, the water of the said river is
 perused

pened up to such an height, that certain corn mills at Waltham Abbey, the property of the said Sir William Wake and Peter Floyer, and certain gunpowder mills there the property of Thomas Walton and Bouchier Walton, esquires, are supplied with water from the said river; and also certain grounds at Waltham Abbey aforesaid, the property of the said Sir William Wake, and now in the occupation of James Barwick, and Mary Farran widow, callico printers and partners, are supplied with water by flashes from the said turnpike as often as the same is opened for the passage of barges or other vessels up or down the said river, and certain stages are built and made in the said river adjoining to the said callico grounds for washing and cleaning the linens therein: and whereas the said turnpike will not be necessary, for the purposes of navigation, after the said new cut from above King's Weir to the west tail stream of the powder mills near Waltham Abbey aforesaid shall have been made and compleated; and in case the same is not, from time to time, kept up and supported, the said corn mills, gunpowder mills, and callico grounds, will not be supplied with water as they have heretofore been: and whereas the said Thomas Walton and Bouchier Walton are owners of a fishery upon part of the said river as well above as below the said turnpike: be it therefore further enacted, That the said trustees appointed by this act, and their successors, or any seven or more of them, shall, from and immediately after the said new cut shall have been made and compleated from King's Weir aforesaid to the west tail stream of the powder mills near Waltham Abbey aforesaid, put the said turnpike in good and sufficient repair, or erect and make some other device in the place and stead thereof, which shall effectually answer the same purpose, for supplying the said corn mills and gunpowder mills with water, as the said turnpike now doth; and shall, from time to time, keep such turnpike or other device of the same perpendicular height as the present turnpike now is, and not lower; and shall, from time to time, well and sufficiently maintain, support, and keep, the said turnpike or other device in good repair, and cause the same to be properly looked after, attended to, and opened, in case of floods, to prevent damage to the country therefrom; which said turnpike or other device shall not, from and after the making of the said new cut, be opened, except in the case of floods, for the purpose of better letting out of the same, and except for the purpose of fishing the said river, which may be done, from time to time, as the owners of the fishery there shall think fit, not exceeding four times in any year; and also except for the purpose of making such circular hole or bore therein as herein after is directed; and in case the said turnpike, or other device to be made in the stead thereof, shall, at any time or times thereafter, be in want of repair or amendment, the said trustees, or their successors, or any seven or more of them, shall, on application to be made to their clerk for that purpose, by a notice in writing from the said Sir William Wake, Peter Floyer, Thomas Walton, and Bouchier Walton, any or either of them, their or any or either of their heirs or assigns, to be given to the

Directing that when the cut shall be made from King's Weir to the west tail stream of the powder mills near Waltham Abbey, the trustees shall repair, and keep in repair, Waltham turnpike, and of sufficient height to supply the corn mills, the gunpowder mills, and callico grounds, at Waltham with water.

said clerk, or left at his usual place of abode, cause the said turnpike or other device to be well and sufficiently repaired and amended within twenty one days next after such application shall have been made as aforesaid; and in case the said trustees, or their successors, or any seven or more of them, shall not, within the time aforesaid, cause the said turnpike or other device to be well and sufficiently repaired and amended, it shall and may be lawful to and for two justices of the peace of the said county of *Essex*, and they are hereby authorized and required to take a view of the said turnpike or other device, on application to them for that purpose, to be made by the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, any or either of them, their or any or either of their heirs or assigns; and if, upon such view, the said justices shall find the said turnpike or other device to be in want of repair or amendment, then the said justices shall, by writing under their hands and seals, certify what repairs or amendments are wanting to be made and done to the said turnpike, or other device; which certificate shall be delivered to the clerk to the said trustees, or left at his usual place of abode; and in case the said trustees, or their successors, or any seven or more of them, shall not, within twenty one days next after the said certificate shall be delivered to, or left with, their said clerk as aforesaid, cause the said turnpike, or other device, to be well and sufficiently repaired; then, and in such case, it shall and may be lawful to and for the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, any or either of them, their or any or either of their heirs or assigns, and they are hereby authorized to cause such reparations and amendments to be made to the said turnpike, or other device, as shall be mentioned in the said certificate: and the said trustees or their successors, or any seven or more of them, shall pay, or cause to be paid, to the person or persons at whose expence the said repairs and amendments shall have been made, all such costs, charges, and expences, as he or they shall have paid, expended, and been put to, on that occasion; such costs, charges, and expences, to be liquidated by such two justices as aforesaid, if any dispute shall arise touching the same: and in case of non-payment thereof for the space of ten days next after demand for that purpose made on the collector of the rates and duties hereby directed to be paid and collected at the lock which shall be nearest to *King's Weir* aforesaid; it shall and may be lawful to and for the person and persons at whose expence such repairs and amendments shall have been made as aforesaid, to receive all and every the rates and duties hereby directed to be collected and paid at the said lock, until he and they shall have reimbursed himself and themselves all such costs, charges, and expences, as he or they shall have been put to in making such repairs and amendments as aforesaid: and the said trustees and their successors, or any seven or more of them, shall cause the said turnpike, or other device, to be well and sufficiently looked after and attended for the purposes herein before
and

and herein after mentioned: and in case the person who shall be appointed for that purpose shall not look after and attend the same in a proper manner; then, and in such case, after due information given thereof, and the particular causes of complaint specified in writing, subscribed by the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, any or either of them, their or any of their heirs and assigns, and delivered to the clerk to the said trustees, or left at his usual place of abode, it shall and may be lawful to and for the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, any or either of them, their or any or either of their heirs or assigns, to cause the said turnpike, or other device, to be well and sufficiently looked after, and attended by some person or persons to be by them, any or either of them appointed for that purpose: and the said trustees or their successors, or any seven or more of them, shall pay to the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, their heirs or assigns, such sum or sums as they, any or either of them, shall pay to any person or persons for looking after and attending the said turnpike, or other device: and in case any difference shall arise between the said trustees and the said Sir *William Wake*, *Peter Floyer*, *Thomas Walton*, and *Bourchier Walton*, their heirs or assigns, touching the amount or reasonableness of the sum or sums so paid for looking after and attending the said turnpike, or other device, the same shall be settled by two justices of the peace for the said county of *Essex*, whose determination therein shall be final.

XXXII. And, for the providing a constant or regular draught or current of water down the said river from the said turnpike, or other device to be erected in the stead thereof, for the carrying on the trade and business at the said calico grounds; be it further enacted, That the said trustees, or their successors, or any seven or more of them, shall, immediately after the said new cut shall have been made from *King's Weir* aforesaid to the west tail stream of the said powder mills near *Waltham Abbey* aforesaid, cause to be cut and made in the said turnpike, or other device to be erected in the stead thereof, a circular hole or bore of six inches diameter, for a constant passage of water through the same, and to fix thereupon a brass or copper plate, not exceeding one quarter of an inch in thickness, with the like circular hole or bore therein, the centre of which circular hole or bore shall be cut and made two feet below the top or gauge height of the said turnpike, or other device to be erected in the stead thereof; and shall, from time to time, continue, maintain, and keep such circular hole or bore in the said turnpike, or other device for the purpose aforesaid: And in case the said trustees, or their successors, or any seven or more of them, shall neglect or refuse to have such circular hole or bore cut and made in the said turnpike, or other device, or such brass or copper plate fixed thereupon as aforesaid, within two days next after the said new cut shall have been made from *King's Weir* aforesaid to the west tail stream of the powder mills near *Waltham Abbey* aforesaid,

said, or shall, at any time thereafter, neglect or refuse to continue the same therein, then, and in either of the said cases, it shall and may be lawful to and for the said Sir *William Wake*, his heirs, or assigns, and he and they is and are hereby authorized to cut and make in the said turnpike, or other device, such circular hole or bore, and to fix thereupon such brass or copper plate as aforesaid, and, from time to time, to continue the same; and the said trustees, or their successors, or any seven or more of them, shall, on notice to be for that purpose given to their clerk in writing, pay or cause to be paid to the said Sir *William Wake*, his heirs, or assigns, all such costs, charges, and expences, as he or they shall have been put unto in making such circular hole or bore, and fixing such brass or copper plate thereon as aforesaid: And in case any difference shall arise between the said trustees and the said Sir *William Wake*, his heirs, or assigns, touching the amount or reasonableness of the sum or sums of money so paid as aforesaid, the quantum thereof shall be settled and adjusted by two justices of the peace for the said county of *Essex*, whose determination therein shall be final.

XXXIII. *And, for the further and better supplying the said James Barwick and Mary Farran, and all succeeding tenants of the said calico grounds, with water for washing the linens in the said river in the same manner as is now done, and for strengthening the current of water there; be it further enacted, That it shall and may be* lawful to and for the said Sir *William Wake*, his heirs, and assigns, and his and their tenants of the said calico grounds, and he and they is and are hereby authorized to contract the present current of the said river opposite the said grounds to the width of nine feet clear water way; and for that purpose to drive or fix in the said river planks or pieces of timber; in order to form a barrier therein; provided such barrier shall not be raised more than four inches above the surface of the water in dry seasons, to the end the water may at all other seasons run over the said barrier; and, from time to time, to continue, keep up, and maintain such barrier, in manner and for the purpose aforesaid.

XXXIV. *And whereas it appears by a survey of the mill stream belonging to the said corn mills at Waltham Abbey aforesaid, made under the direction of the said trustees, that a much greater quantity of water will pass down the said mill stream when the said new cut from above King's Weir aforesaid to the west tail stream of the powder mills near Waltham Abbey aforesaid shall have been made than now does; be it further enacted, That from and immediately after the said new cut shall have been made and compleated, it shall and may be lawful to and for the tenants and occupiers of the said grounds, now in the occupation of the said *James Barwick and Mary Parran*, and all succeeding tenants of the said grounds, and they are hereby authorized, from time to time, to take a sufficient quantity of water out of the said mill stream, for filling the cuts or canals made, and to be made, in the said calico grounds, or any other grounds adjoining thereunto,*

Sir William Wake, and his tenants, may contract the current of the river opposite the calico grounds at Waltham.

Callico grounds at Waltham to be supplied with water from Waltham Abbey corn mill stream.

thereunto, now belonging to the said Sir *William Wake*; and for that purpose, it shall and may be lawful to and for the said Sir *William Wake*, his heirs, tenants, or assigns, or his or their workmen, and they are hereby authorized to drive and fix in the said mill stream a pile, and to cut and make in the said pile a circular hole or bore not exceeding two inches and five sixteenth parts of an inch diameter, for the constant passage of water out of the said mill stream into the said cuts or canals made, or to be made, in the said callico grounds, or any other grounds adjoining thereunto, now belonging to the said Sir *William Wake*; and to place or fix upon the said pile a brass or copper plate not exceeding one quarter of an inch in thickness, with such circular hole or bore therein as aforesaid, the centre of which said circular hole or bore shall be placed two feet below the common and ordinary mark of a full head at the said mill, and, from time to time, to continue the same in the manner and for the purpose aforesaid; and the tenant or occupier of the said corn mills at *Waltham Abbey* aforesaid, shall not at any time or times thereafter wilfully do any act, matter, or thing, to prevent a full and free passage of water out of the said mill stream through the said circular hole or bore into the said cuts or canals made, or to be made, in the said callico grounds, or any other grounds adjoining thereunto, now belonging to the said Sir *William Wake*.

XXXV. *And whereas the mill stream from the tail of the said gunpowder mills belonging to the said Thomas and Bouchier Walton is navigable to the present channel of the said river Lee, which channel from the end of the said mill stream to the place where the said new cut to be made from King's Weir will communicate with the said river Lee, near the said west mill stream, will be disused for common navigation after the said new cut is made, but it is necessary that the same should be preserved in a navigable state for the benefit of the said mills; be it therefore further enacted, That nothing herein contained shall enable the said trustees for the said navigation to do any act, matter, or thing whatsoever, whereby the navigation of the said river Lee, in its present course or channel from the said mill stream to the common channel of the said river where the said new navigation shall be carried on, shall or may be destroyed or injured; but that on the contrary the said trustees shall and will cleanse, preserve, and maintain, the same in a proper and effectual manner, that there may always be as good a navigation to and from the said mills as there now is.*

Navigation to
Mess. Waltons
gunpowder
mills to be
preserved.

XXXVI. Provided always, and be it further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to oblige the owners, lessees, tenants, or occupiers, of the gunpowder mills at *Waltham Holy Cross*, in the county of *Essex*, to draw up or open, or shut or put down, any clough or cloughs of their sluices for the purpose of doing or executing any of the works in pursuance of this act.

Owners of
gunpowder
mills not to
supply water.

Alteration to
be made in
Bromley
Lock.

XXXVII. *And whereas Richard Lockwood, esquire, is owner of certain mills upon the said river Lee, known by the name of the Four Mills, at Bromley; be it enacted, That nothing herein contained shall extend, or be construed to extend, or be construed to authorize or empower the said trustees, or any of them, to make any alteration in the lock called Bromley Lock, the dams, cuts, or water streams, leading to the said four mills; or any ways to defeat, prejudice, or affect, the right or property of the said Richard Lockwood, his heirs, or assigns, therein, without the previous consent of the said Richard Lockwood, his heirs, or assigns.*

XXXVIII. *And whereas George Byrd esquire, and several other persons, are proprietors of certain water-works called The Westham Water-works, in the county of Essex, for raising water for the supply of the inhabitants of Stratford, Westham, Bow, Bromley, Mile-End, Stepney, and other adjacent places, with good and wholesome water; which said water-works are situate upon a branch or cut from the river Lee, and are supplied from the said river with water; and the said proprietors have been at very great expences in the erection and maintaining thereof: And in order to extend and render more useful the said undertaking by having their property secured to them, the said proprietors obtained an act in the twenty first year of his late Majesty, whereby they were authorized to make and maintain works, cuts, dams, devices, and buildings for conducting and conveying water to the said several parishes and places for the purposes aforesaid; and since the passing of the said act they have been at further great expences, and have also erected on the said stream or cut a new water-mill and engine for raising water, the better to supply the inhabitants of the aforesaid towns and parishes, and also Bethnal Green, Shadwell, Cockhill, Ratcliffe, and other places adjacent; which expences in different purchases, leases, erections, and works, for supplying the said inhabitants with water, have amounted to upwards of forty thousand pounds; be it therefore further enacted, That nothing in this act contained shall extend, or be construed to extend, to defeat, prejudice, or affect, the right of the said proprietors to the said works, or the water-cuts and dams so made, by them for the purposes aforesaid, and the stream running to the same; but that it shall and may be lawful for the said proprietors of the said water-works for the time being, and their heirs, executors, administrators, assigns, and successors, to have, hold, take, and enjoy, the said works, cuts, and dams, now made by them, and also the water and stream coming from the said river Lee for the working the same, and supplying the said inhabitants or others with water, and all the rights, privileges, benefits, and advantages, belonging thereto, in as full and ample manner as they the said proprietors now possess and enjoy the same; any thing herein contained to the contrary thereof notwithstanding.*

Saving of the
rights of the
proprietors of
Westham Water-works.

To prevent
the water of
the river from

XXXIX. *And be it further enacted, That in case the said trustees, their successors, or assigns, shall, by virtue of the powers*

powers and authorities by this act granted, take or divert any water out of the river *Lee*, or out of the cut or canal belonging to the said water-works, to the prejudice or injury thereof; then, and in such case, the said trustees, their successors, or assigns, shall, from time to time, make to the proprietors of the said water-works for the time being full satisfaction for the injury, loss, and damage, which shall, from time to time, be sustained by the proprietors of the said works, by reason of such water being taken or diverted from the said water-works; such damages to be, from time to time, settled and ascertained, recovered and levied, when unpaid, in such manner, and with the like powers, authorities, and remedies, in all respects, as any other damages, which shall be sustained by the exercise of any of the powers of this act, are herein directed to be settled, ascertained, recovered, and levied: And in case the master or owner of any boat, barge, lighter, or other vessel navigating upon the said intended cut or canal, between *Lee Bridge* and *Hackney Brook*, or navigation, or other person or persons whatsoever, shall wantonly, or through carelessness or negligence, break, throw down, damage, or destroy any banks or other works erected, or to be erected, or made for the purposes of the said navigation; or shall wantonly, or without occasion, or in a careless or negligent manner, open, or cause to be opened, or left open any lock belonging to the said navigation, cut, or canal, or leave any of the locks open and running for any longer time than is necessary for the passage of any boat, barge, lighter, or other vessel; or if any person or persons shall draw, or cause to be drawn, any of the locks, gates, sluices, or hatches, which shall be made on the said cut or canal between *Lee Bridge* and *Hackney Brook*, so as to mispend and waste, or shall by any means wilfully mispend or waste, the water of the river *Lee*, or do any other act to the prejudice of the said water-works; every such person or persons, so offending in any of the said particulars, and being thereof convicted before one or more justice or justices of the peace for the counties of *Essex* or *Middlesex*, by or upon the oath of one or more witness or witnesses (which oath such justice or justices is and are hereby respectively empowered and required to administer) shall forfeit and pay, for every such offence, a sum not exceeding five pounds; and in default of payment thereof, the person or persons so offending shall, by warrant or warrants of such justice or justices, be committed to the house of correction for the said counties respectively; there to be kept to hard labour for any time such justice or justices shall direct, not exceeding two months, or until payment of the said forfeiture: But in case the damage so done as aforesaid, shall exceed the sum of five pounds; then it shall and may be lawful for the said proprietors of the said water-works, their heirs, executors, administrators, assigns, and successors, to sue for and recover such forfeiture, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

The proprietors of West-ham Water-works (in case the water of the river shall be diverted or run to waste) to put down the locks, and to enter upon the cuts to repair breaches.

XL. *And whereas in case the water of the said cut or canal shall by any of the ways and means aforesaid, or otherwise, be diverted or permitted to run to waste for any length of time, great injury and damage may ensue to the said water-works, and the persons who are to be supplied with water therefrom; be it therefore further enacted,* That when and as often as the water shall be diverted, or run to waste by the means aforesaid, or otherwise, to the prejudice of the said water-works (in case the said trustees, or any five or more of them, shall not, within twenty four hours after notice of such waste shall be given, or left in writing, to the surveyor or keeper of any of the locks upon the said cut or canal, or be left for him at his usual place of abode, effectually stop the water from running to waste as aforesaid;) it shall and may be lawful for the proprietors of the said water-works, or any of them, their heirs, executors, administrators, assigns, or successors, or any of them, or for their surveyor or surveyors, and workmen, and they are hereby impowered, to go upon the said cut or canal, and ground, belonging to the said navigation; and, by such ways and means as they shall deem fit and necessary, stop up, put down, and shut down, the lock or locks, gates or hatches, so left open, and mend or repair any breaches, or otherwise prevent a further waste of water from the said cut or canal; and the said trustees, or any five or more of them, shall, in such case, pay to the said proprietors, their heirs, executors, administrators, assigns, or successors, all such reasonable costs, charges, and expences, as they shall reasonably deserve to have for the same, over and besides the penalty herein before-mentioned; such costs, charges, and expences, to be settled by any one or more justice or justices of the peace for the said counties of *Essex* and *Middlesex* respectively: and in case of non-payment for the space of four days after demand made on their agent or agents, such expences shall and may be recovered and levied, in such manner as is in this act provided for the payment of any shares or annuities that shall and may be granted and made payable by virtue thereof; any thing in this act to the contrary thereof notwithstanding.

XLI. *And whereas Francis John Tyssen esquire, is entitled to an antient water corn mill near Lee Bridge, which with other works are now employed in raising water for the supply of the inhabitants of the parish of Hackney, and other places adjacent, with good and wholesome water; which said mill and water-works are situate upon a branch or cut from the said river Lee, and supplied with water therefrom by means of a weir or lock lately erected by Abraham Ogier and others, lessees under the said Francis John Tyssen, at a very considerable expence; which lock or weir hath been found by experience to be of very great service and advantage to the navigation of the said river Lee; and it is necessary that the same should be kept up and continued for the benefit of the new cut or canal intended to be made between Lee Bridge and the mouth of the stream supplying the said mill and water-works; be it therefore enacted,* That the intended navigation shall be carried through the said mill stream,

The cut to be made between Lee Bridge,

stream, and the said new cut or canal shall begin on the west side of the said mill, but not nearer than ten yards from the buildings belonging thereto; nor shall any lock or device be placed so as to obstruct or divert the stream belonging to the said mill.

and the mill which supplies Hackney Water-works with water, shall be made

on the west side of the said mill, but not within ten yards thereof.

XLII. *And, to the intent that both the said mill and water-works, and also the said new intended cut or canal, may be constantly supplied with a sufficient quantity of water, be it further enacted, That the said last mentioned lock shall not at any time be drawn or opened for the purposes of the said navigation, nor by the proprietors of the said mill and water-works, or their assigns, servants, or agents, so as to reduce the head of water belonging to the said mill and water-works more than six inches below the usual gauge mark, or height of a full head; the same to be ascertained by a stone or post to be set up by the said trustees for that purpose: and that the said trustees shall cause a bridge to be erected and maintained over the said mill stream, at or near the place where the present bridge now stands, sufficient for the passage of horses, waggons, carts, and carriages, from the turnpike road over Lee Bridge to the said mill and water-works.*

The head of water, which supplies Hackney Water-works, shall not be drawn lower than six inches below the usual gauge of a full head.

XLIII. *And whereas the governor and company of the New River are intitled to the payment of one shilling for every boat, barge, or craft, passing through the lock or cistern mentioned in the said recited act of the twelfth year of the reign of his late Majesty to be near Ware Mills, by owners or occupiers of every such boat, barge, or craft, and are also seised of a weir and weir-house or fishing-house near the town of Ware; be it further enacted, That from and after the passing of this act, the said governor and company of the New River shall not demand, have, receive, or take, any toll, rate, or duty whatsoever, of or from the owners or occupiers of any boat, barge, or other craft, passing through the said lock or cistern; and also that the said weir and weir-house or fishing-house, but not the said lock or cistern, shall from thenceforth be vested in, and the same are hereby vested in, the trustees appointed by this act and their successors for ever, for the purposes of the said navigation; and in consideration and satisfaction thereof, the said trustees and their successors, or any seven or more of them, are hereby authorized, empowered, and required, to pay and allow to the said governor and company of the New River, out of the said rates, duties, and sums of money, to be raised or paid by virtue of this act, the sum of one shilling for every boat, barge, lighter, or other craft, which shall at any time after the passing of this act pass through the said lock or cistern, by four even or equal quarterly payments in the year; (that is to say) on the feast of Saint Michael the archangel, the birth of our Lord Christ, the annunciation of the blessed Virgin Mary, and the nativity of Saint John the baptist; the first payment to begin and be made on each of the said feast or days of payment as shall first and*

Satisfaction to be made the New River company for a toll now taken by them for the passing of boats at a lock near Ware Mill, and also for a weir and weir-house belonging to them.

next

next happen after the passing of this act; and also that the said trustees and their successors, or any seven or more of them, are hereby authorized, impowered, and required, further to pay and allow unto the said governor and company of the said *New River*, out of the rates, duties, and sums of money, to be raised or paid by virtue of this act, the annual rent or yearly sum of forty pounds, free and clear of and from all and all manner of taxes and deductions parliamentary or otherwise howsoever, at or on the said four feasts in every year, by even and equal portions; the first payment of the said annual rent of forty pounds to begin and be made on such of the said feasts or days of payment as shall first and next happen after the passing of this act: and in case the said several and respective payments, or any of them, or any part or parts thereof, shall be behind and unpaid by the space of forty days next after the same shall become due; that then the said governor and company of the *New River* shall and may have and take such and the same remedies and powers for recovering and receiving the said respective payments, and all arrears thereof, as are in this act provided for the payment of any shares or annuities that shall be granted and made payable by virtue of this act; and such payments shall be made in preference to, and have a priority against, all other annuities, charges, payments, or sums of money, which shall hereafter be created and become payable to any person or persons advancing money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in or made payable to the said trustees by virtue hereof.

Nothing in this act to prejudice the rights and privileges of the *New River* company.

XLIV. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be deemed or construed to extend, to defeat, injure, or in any manner to alter, prejudice, or affect, the rights, interests, or property, of the said governor and company of the *New River* of, in, or to, certain mills, lands, and hereditaments, in the parishes of *Ware* and *Great Amwell*, in the county of *Hertford*, vested in them by a certain private act of parliament passed in the eleventh year of the reign of his late majesty King *George* the Second, intituled, *An act for vesting certain mills, lands, and hereditaments, in the parishes of Ware and Great Amwell, in the county of Hertford (being part of the estate of Thomas Plumer Byde esquire, an infant, and comprised in the grandfather's marriage settlement) in the governor and company of the New River brought from Chadwell and Amwell to London, and for securing a perpetual rent-charge in lieu thereof, for the benefit of the persons claiming under the said settlement, or to give any power to the said trustees by any means to diminish, divert, prejudice, or alter, the supply or course of the water of or belonging to the works of the said governor and company, or to pen up the water between the weir and the mill tail, so as in any measure to prejudice or obstruct the working of the said mills; or to defeat, injure, or in any manner to alter, prejudice, or affect, the rights, interests, or property*

property of the said governor and company of, in, or to any estates, powers, advantages, privileges, tolls, duties, benefits, or emoluments whatsoever, vested in them the said governor and company in and by the first abovementioned act of the twelfth year of his said late Majesty; save and except in respect of the said toll or payment of one shilling for every barge, boat, or craft, passing through the said lock or cistern, and in respect of the said weir or fishing-house herein before-mentioned.

XLV. And be it further enacted, That from and after the passing of this act, the weirs called *Sotheby's Upper Weir*, otherwise *Newman's Weir* and *Parkinson's Weir*, upon the river *Lee*, shall be vested in the said trustees; and that the said trustees, or any seven or more of them, shall pay the annual sum of nineteen pounds five shillings, clear of all taxes and deductions whatsoever, imposed, or to be imposed, by authority of parliament, or otherwise howsoever, to the occupier of the said weir on the said river *Lee*, called *Sotheby's* or *Newman's Weir*, his executors, administrators, or assigns, during the residue of his present subsisting lease thereof; and from and after the determination thereof; to the owner or owners of the said weir for the time being; and also shall pay, or cause to be paid, the annual sum of sixteen pounds fifteen shillings, free and clear from all taxes and deductions as aforesaid, to the occupier of the said weir called *Parkinson's Weir*, during the residue of his present subsisting lease thereof; and from and after the determination of such lease, to the owner or owners of the said weir for the time being, by half-yearly payments and equal portions at *Lady-day* and *Michaelmas* yearly for ever; the first payment thereof to commence at such of the said days as shall happen immediately after the passing of this act; which said annual sums shall be in full satisfaction and compensation for the several tolls or sums of money usually paid for the passage of barges and boats through the said weirs, and shall be charged and chargeable upon, and be payable and paid by and out of the tolls made payable by this act, or any money which shall be raised by the authority thereof: and in case the said several sums of nineteen pounds five shillings, or sixteen pounds fifteen shillings, or any of them, or any part thereof, shall be behind and unpaid by the space of forty days after the same shall so become respectively due as aforesaid, being demanded of the treasurer or treasurers of the said trustees for the time being; that then, and in such case, and so often as the said annual sums, or any of them, shall be so respectively in arrear as aforesaid, then the said owner or owners, occupier or occupiers, of the said weirs, their heirs and assigns, shall and may have and take such and the same powers and remedies for receiving and recovering the said payments, and all arrears thereof, and all costs and expences attending the recovery thereof, as are in this act provided for the payment of any shares or annuities that shall be granted or made payable by virtue of this act.

XLVI. And

Satisfaction to be made to the owners of Sewardston Mills for the navigation to the mills and for all other payments heretofort made to the owners of the said mills.

XLVI. *And whereas for time immemorial there hath been a navigation to certain mills called Sewardston Mills, situate, lying, and being, in the parish of Waltham Holy Cross, in the county of Essex: and whereas there is at present no road or access to the said mills, for the carrying of goods, but by the said navigation: and whereas by the new cut or canal intended to be made by virtue of this act, the said navigation to the said mills, unless provision be by this act made for preserving the same, will be lost, and the said mills thereby rendered of little or no value: be it therefore* further enacted, That the said trustees, or any seven or more of them, are hereby authorized, impowered, and required, to pay, or cause to be paid, out of the rates and duties by this act granted and directed to be received and taken, to the owner or owners, occupier or occupiers, of the said mills, an annual sum of forty five pounds; which said annual sum of forty five pounds shall be in full satisfaction and compensation for the navigation to the said mills; and all payments heretofore made to the owner or owners, occupier or occupiers, of the said mills; and the said annual sum of forty five pounds shall be paid by half-yearly payments and equal portions at *Lady-day* and *Michaelmas* yearly for ever; the first payment to be made at such of the said days as shall happen after the new intended navigable cut or canal herein before mentioned, leading from above *Sotheby's Upper Weir*, otherwise called *Newman's Weir*, on the west side thereof, into and through the tail stream of *Tottenham Mill*, shall be perfected and rendered fit to be navigated upon; and in case of refusal or non-payment of the said annual rent of forty five pounds, or any part thereof, for the space of forty days next after any of the days before appointed for the payment thereof as aforesaid, the said owner or owners, proprietor or proprietors, of the said mills, his, her, or their heirs, executors, administrators, or assigns, shall and may have and take such and the same powers and remedies for receiving and recovering the said annual rent of forty five pounds, or so much thereof as shall, from time to time, be in arrear and unpaid, and all the costs and expences attending the recovery thereof, as are in this act provided for the payment of any money or annuities that shall be granted and made payable by virtue of this act; and that the said trustees, or any seven or more of them, shall, and they are hereby required to make and conduct the new intended cut or canal at or near a certain lock called *Enfield Lock*, in the county of *Middlesex*, within twenty yards of the said river *Lee*, between *Sotheby's Upper Weir*, otherwise *Newman's Weir*, and *Enfield Lock*, so that goods landed upon a wharf to be made and erected on the east side of the said intended new cut or canal may be conveniently reloaded at a wharf to be made on the west side of the said river *Lee*; and that the said trustees, or any seven or more of them, shall, at their own costs and charges, make, and erect, and for ever thereafter keep in repair, one such convenient wharf of the length of ten feet on the east side of the said new intended cut

dr canal; and one other such convenient wharf of the same length, opposite to the foregoing, and within twenty yards thereof, on the west side of the said river *Lee*; and shall likewise, at their own costs and charges, inclose a piece of ground between the said two wharfs of twenty five feet broad and forty feet long, with pales or boards ten feet high, with a convenient door or aperture towards each of the said wharfs, for the reception and preservation of goods that may be landed on either of them; and shall for ever keep the said inclosure in repair; and that the owner or owners, occupier or occupiers, of the said mills shall have full power and authority, at the expence of such owner or owners, occupier or occupiers, to cleanse and cut the banks of the river leading to the said mills, commonly called the *Mill River*, as they shall think fit, convenient, and necessary, for making a navigation from the said wharf, on the east side of the river *Lee*, to the said mills; so as in cleansing and cutting the said mill river, the said owner or owners, proprietor or proprietors, of the said mills do not enlarge the mouth of the said mill river; and likewise to remove all obstructions to the said navigation, and to alter any bridge or bridges that is or are now erected or built over the said river called the *Mill River*, so that such bridge or bridges may admit boats and barges, to be made use of on the said navigation, from the said wharf on the river *Lee* near to the said mills, conveniently to pass under the same; and to make a convenient towing or haling path on one side of the said navigation, to be made use of for the purposes of the same: and if any person or persons shall sustain any damage by or by means of any such cleansing or cutting the said mill river, or by removing any obstructions on the same, or by altering any bridge or bridges, or by making such haling or towing path, such damage shall be demanded, tendered, ascertained, recovered, and paid of and by the said owner or occupier, or owners or occupiers of the said mills, in the very same manner, to all intents and purposes, as damages are by this act to be demanded, tendered, ascertained, recovered, and paid, by and to persons injured by making the said new intended cut or canal, or in consequence or by means thereof.

XLVII. And be it further enacted, That the said herein before mentioned yearly and annual sums of nineteen pounds five shillings, sixteen pounds fifteen shillings, and forty five pounds, herein before directed respectively to be paid to the owner or owners, occupier or occupiers, of *Satheby's Upper Weir*, otherwise called *Newman's Weir*, *Parkinson's Weir*, and *Sewardston's Mills*, shall be paid in preference to, and have a priority against, all other annuities, payments, charges, or sums of money which shall hereafter be created and become payable to any person or persons advancing money by way of security, upon the rates, duties, or tolls, by this act made payable, or on any sum or sums of money vested in, or made payable to, the said trustees, by virtue hereof.

Satisfaction to be made to the owners of Newman's Weir, Parkinson's Weir, and Sewardston's Mills, to have a preference in payment against all other payments.

XLVIII. And,

XLVIII. And, in order that a constant supply of water may be provided and preserved for the use of Sewardston Mills; be it further enacted, That with all convenient speed, after the said cut or canal from above *Newman's Weir* into *Enfield Mill Stream* shall be made, the said trustees shall, at their own costs and charges, cause to be erected, to the southward of and within one hundred yards from the head of the stream leading to *Sewardston Mills*, a sufficient stop or erection cross the said river *Lee*; and, at all times afterwards, maintain, preserve, and repair, the same; and in case the said trustees shall at any time neglect or omit so to do, the owner or owners, or occupier or occupiers, of the said mills, shall recover and receive damages for such omission or neglect, in the same manner as other persons receiving damages, by or by means of the said new intended cut or canal, may recover their damages.

Height of the banks to the cut from *Newman's Weir* into *Enfield mill*,

and cut eastward of *Enfield mills*, to be four inches above the banks of the mill stream;

subject to the regulations here set down.

A lock to be made in the cut from *Newman's Weir* into *Enfield Mill Stream*, and another to be made in the

XLIX. And be it further enacted, That the banks on each side of the said new cut to be made from above *Sotheby's upper Weir*, otherwise called *Newman's Weir*, into *Enfield Mill Stream*, shall be made and maintained of the height of four inches at least above the present level of the bank of the said river *Lee*, from whence the said cut is intended to be made.

L. And be it further enacted, That the banks on each side of the said new cut to be made to the eastward of *Enfield Mills*, above the lock to be erected in the said cut, shall be made and maintained of the height of four inches at least above the present level of the bank of the said mill stream, from whence the said cut is intended to be made.

LI. Provided always nevertheless, That the said new cut to be made from above *Sotheby's upper Weir*, otherwise called *Newman's Weir*, into *Enfield Mill Stream*, and along such stream so far as the said navigation is to pass through the same; and the said cut, to be made to the eastward of *Enfield Mills*, shall be made, done, secured, and maintained, in such manner as that the quantity of water flowing to the said mills, called *Enfield Mills*, shall not be lessened or lowered further than shall be necessary for the passage of barges, boats, or other vessels, through the said lock, or the free passage of the water be stopped or obstructed in its course to the head of the said mills; and so as that the water in the said mill stream, below the said mills, shall not be raised above its ancient and usual height; and so as neither to deepen or obstruct the passage through the ford below the said mills, or to hinder the working of the said mills; and so as not to obstruct the navigation to the said mills, and all the wharfs and lands belonging to the owner thereof.

LII. And be it further enacted, That in some convenient place of the said new cut to be made from above *Sotheby's upper Weir*, otherwise called *Newman's Weir*, into *Enfield Mill Stream*, the said trustees shall cause to be erected and built a proper lock or cistern convenient for the passage of such barges, boats, and other vessels as aforesaid, the gates of which said lock shall be made of the height of four inches above the present level of the

the bank of the said river *Lee*, from whence the said new cut shall begin to be made; and in some convenient place of the said new cut to be made to the eastward of *Enfield Mills*, shall cause to be erected and built another lock or cistern convenient for the passage of such barges, boats, or other vessels as aforesaid, the gates of which last mentioned lock or cistern shall be made of the height of four inches above the present level of the bank of the said mill stream, from whence the said new cut shall begin to be made.

cut to the
eastward of
Enfield Mills.

LIII. *And, in order to prevent the owners, lessees, tenants, or occupiers, of the said mills, called Enfield Mills, being injured by any mismanagement or neglect in the management of the said lock or cistern to be erected on the said new cut to the eastward of the said mills; be it further enacted, That the tenant or tenants, occupier or occupiers, of the said mills, called Enfield Mills, for the time being, shall have the care and management of the said lock or cistern so to be erected as aforesaid in the said cut to the eastward of the said mills: and in order to make a proper recompence and satisfaction for such care and management to the said tenant or tenants, occupier or occupiers, of the said mills, the said trustees, or any seven or more of them, shall, out of the monies to be raised or paid by virtue of this act, from time to time, after the erection of such lock, pay unto such tenant or tenants, occupier or occupiers, of the said mills, the yearly sum of ten pounds of lawful money of Great Britain, free and clear of all taxes and deductions whatsoever, by four equal quarterly payments, to be made on the feast days of the Annunciation, of the blessed virgin *Mary*, *Saint John* the baptist, *Saint Michael* the archangel, and the birth of our Lord *Christ*, in every year; the first of such payments to be made on such of those days as shall first and next happen after the building of the said lock: and in case of refusal or nonpayment of the said yearly sum of ten pounds, or any part thereof, for the space of forty days next after any of the days before appointed for payment thereof, such tenant or tenants, occupier or occupiers, of the said mills, shall and may have and take such and the same powers and remedies for receiving and recovering the said yearly sum of ten pounds, or so much thereof as shall, from time to time, be behind and unpaid as aforesaid, and all costs and expences attending the recovery thereof, as are in this act provided for the payment of any shares or annuities that shall be granted and made payable by virtue of this act; and such yearly sum of ten pounds shall be paid in preference to, and have a priority against, all other annuities, charges, payments, or sums of money, which shall hereafter be created and become payable to any person or persons advancing money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in, or made payable to, the said trustees, by virtue hereof.*

Occupier of
Enfield Mills
shall have the
care of the
lock to be
made in the
cut to the
eastward of
the Mills.

LIV. *And, in order to prevent any interruption of the navigation along the said mill stream, after the said new cuts and canals to and*

from the said mill stream shall be made; be it further enacted;
 That when and as often as the water therein shall be reduced to a certain height at Enfield Mills, the gates of the mills shall be shut, and the mills stopped from working; which said height of five feet shall be ascertained by a stone or post to be set up by the said trustees for that purpose.

Lessees, &c. of Enfield mills may pen up water to the usual height;

LV. Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder the owners, lessees, tenants, or occupiers of the said mills called *Enfield Mills* from penning up the water above the said mills, as high as they have heretofore used to pen the same; nor shall any work be erected, or any act be done, which may tend to prevent or hinder them in the penning up such water as aforesaid.

and draw down the same for repairs, &c.

LVI. Provided also, That nothing in this act mentioned or contained shall extend, or be construed to extend, to prevent the owners, lessees, tenants, or occupiers, of the said mills from drawing down the water to repair the said mills, or to cleanse the said mill stream, or repair the banks thereof at any time, giving twenty four hours notice to the said trustees or their agents, that they may, if they think proper, make a dam or stop, to keep the water up to the said height of five feet, for the purpose of the said navigation whilst such repairs are wanting.

giving notice.

LVII. *And, to prevent disputes between the said trustees and the owners, lessees, tenants, or occupiers of the said mills called Enfield Mills, respecting the height to which the water may be penned above the said mills;* be it further enacted, That within the space of six calendar months next after the said cuts to communicate with the said mill stream shall be begun to be made, proper stones or posts shall be erected and set up at the expence of the owners, tenants, lessees, or occupiers, of the said mills, at some proper place, to be agreed upon and fixed by them and the said trustees, whereon shall be marked, in plain and legible figures or letters, the height to which the water hath usually been penned above the said mills, and the height to which the same stands below the said mills when the said mills are not at work, and no water passeth from the river above into the same below the said mills.

The height of the water in the cuts to and from Enfield Mill Stream to be ascertained by stones or posts.

After the cuts shall be made to and from Enfield Mill Stream, the trustees shall scour the cuts and repair the locks and banks.

LVIII. And be it further enacted, That from and after the making of the said new cuts or canals, to and from the said *Enfield Mill Stream*, the said trustees shall, at their own proper costs and charges, from time to time, well and sufficiently cleanse and scour the said new cuts or canals, and also the whole of the said mill stream above the said mills, so far as the same is used for navigation; and also shall and will well and sufficiently repair and maintain the said two locks or cisterns, and the banks of the said cuts or canals, and the banks of the mill stream aforesaid, so as to prevent unnecessary waste of water.

LIX. And

LIX. And be it further enacted, That the said mill stream, and the cut or canal to the eastward of the said mills, shall not be used by the said trustees, or any other person whatsoever (except the owners, tenants, lessees, or occupiers, of the said mills) for any other purpose than that of navigation; and no barge or other vessel shall stop to take in or load, deliver out or unload, any goods or merchandizes whatsoever on any part thereof, nor shall loiter or stop on the same unnecessarily; but nevertheless it shall and may be lawful to and for the owners, tenants, lessees, or occupiers, of the said mills, to make such wharfs on his, her, or their lands, and to use the same for the loading and unloading of goods, in like manner as they now can or may do from any part of the said mill stream, so that the same do not obstruct or interrupt the navigation in any manner.

Neither Enfield Mill Stream, nor the cut to the eastward of Enfield Mills, shall be used for any other purpose than for navigation.

LX. Provided always, and be it further enacted and declared, That nothing contained in this act shall tend to prejudice the right of the owner or owners of the said *Enfield Mill Stream* to the fishery, both above and below the said mills; and from and after the said new cut or canal to the eastward of the said mills shall be made, the owner or owners of the said mill stream shall and may have and enjoy the benefit of the fishery in such new cut or canal, and in the said mill stream, in the same manner as they now are intitled to, and exercise and enjoy the right of fishery therein; any thing herein contained to the contrary thereof in any wise notwithstanding: but such right shall be so exercised as not to interfere with, or interrupt, the execution of this act, or the free use of the said navigation.

Rights of the owner of the fishery above and below Enfield Mill, saved.

LXI. And whereas it may be necessary in many places where the new cuts or canals are intended to be made as aforesaid, and where locks or cisterns shall be necessary to be erected and repaired, to draw off the water and stop the working of the mills adjoining to or near the same; be it therefore further enacted, That every owner, lessee, tenant, or occupier, of any mill or mills which shall be necessary to be stopped for the doing the necessary works aforesaid in execution of this act, or for the repairs thereof, from time to time, as the same shall be necessary, shall, upon reasonable request made, and forty eight hours notice given, and upon payment or tender of such recompence or satisfaction as is herein after mentioned to be made to him or them by the said trustees, or any other person or persons employed as their servant or agent, draw up, or open, shut, or put down, any clough or cloughs of any sluice or sluices, which shall be necessary to be opened or shut respectively for the making the said intended cuts, and erecting the said locks or cisterns, and the works requisite for that purpose, and for altering and repairing the same; and such owners, lessees, tenants, or occupiers, of any such mill or mills shall and may, in such case, lawfully demand, have, and receive, and there shall become due and payable to him, her, or them, from the said trustees (before stopping their mills as aforesaid) as a recompence and compensation for such drawing up or shutting such clough or cloughs respectively,

The owners or occupiers of mills shall open or shut the cloughs for the works of navigation, upon notice given, and upon payment or tender of recompence for the same.

tively, the sum of ten pence for every hour that every or any wheel of any such mill shall, by that means, or on that account, be stopped or hindred from working, and so in proportion for any greater or lesser time.

Mills not to be stopped but in certain months in the year.

LXII. Provided also, and be it further enacted and declared, That the owners, lessees, tenants, or occupiers, of any mill or mills, which it shall be necessary to stop or hinder the working of for the purpose aforesaid, shall not be liable or obliged to draw up or open, or to shut or put down, any clough or cloughs of any sluice or sluices, for the purposes aforesaid, at any other time or times than in the months of *May, June, July,* and *August*, nor during those months for any longer time or times than four days in any one week, unless some accident or misfortune may happen or arise which shall require immediate redress, and in such case the same shall and may be remedied and repaired at other times in the year as shall be necessary, but so as not to stop or hinder the working of any mill or mills more than four days in any one week, after such notice given as aforesaid; any thing contained in this act to the contrary in any wise notwithstanding.

Satisfaction to be made to the owner of Enfield Mill Stream for the use of the said stream for the purpose of navigation.

LXIII. *And, for recompence and satisfaction for the use of the said mill stream for the purpose of the said navigation, as aforesaid,* be it further enacted, That it shall and may be lawful to and for the said trustees, and they are hereby authorized and empowered to contract and agree with the owner of the said *Enfield Mills*, and the tenants or occupiers thereof, and to pay, or cause to be paid to such owner, tenant, or occupier, out of the monies to be raised or paid by virtue of this act, in such manner and proportions, as such owner, tenants, or occupiers, shall agree amongst themselves, the yearly sum of forty pounds, of lawful money of *Great Britain*, free and clear of all taxes and deductions whatsoever, by four equal quarterly payments, to be made on the feast days of *Saint John* the baptist, *Saint Michael* the archangel, the birth of our Lord Christ, and the annunciation of the blessed virgin *Mary*, in every year, the first of such payments to be made on the feast day of *Saint John* the baptist now next ensuing; and in case of refusal or nonpayment of the said yearly sum of forty pounds, or any part thereof, for the space of twenty one days next after any of the days herein before appointed for payment thereof as aforesaid, such owner of the said mills, and the tenants or occupiers thereof, shall and may have and take such and the same powers and remedies for receiving and recovering the said yearly sum of forty pounds, or so much thereof as shall from time to time be in arrear and unpaid; and all costs and expences attending the recovery thereof, as are in this act provided for the payment of any shares or annuities that shall be granted and made payable by virtue of this act; and such yearly sum of forty pounds shall be paid in preference to, and have a priority against all other annuities, charges, payments, or sums of money which shall hereafter be created and become payable to any person or persons advancing money

- money by way of security, upon the rates and duties by this act made payable, or any sum or sums of money vested in, or made payable to the said trustees by virtue hereof.

LXIV. *And whereas the dean and chapter of the cathedral church of Saint Paul in London are owners of a certain weir situate upon the river Lee, now in the possession of Merry Teshmaker, or his under tenants, by virtue of a lease for a term of twenty one years to him granted by the said dean and chapter, which said weir it will be proper and necessary to make use of for the purpose of improving the said navigation, or the same will be rendered useless thereby; be it therefore enacted, That it shall and may be lawful to and for the said trustees, or any seven or more of them, and they are hereby authorized to contract and agree with the said dean and chapter, and their said lessee, and his assigns or under tenants, for the absolute purchase of their respective estates, terms, and interests in the said weir; and in consideration of, and satisfaction for the same, to pay out of the monies, rates, and duties, to be raised and paid by virtue of this act unto the said Merry Teshmaker, his executors, administrators, or assigns, or his or their under tenants, during the continuance of the said now subsisting lease, and after the determination thereof, unto the said dean and chapter, and their successors for ever, one annuity or yearly sum of twenty five pounds, clear of all taxes, charges, and other deductions whatsoever, imposed or to be imposed by authority of parliament, or otherwise howsoever, by equal half-yearly payments, and also to pay to them respectively out of the monies to be raised or paid as aforesaid, the costs and charges attending such agreements and purchases; which said annuity, or yearly sum of twenty five pounds, shall be for ever paid as aforesaid, in preference to, and have a priority against, all other annuities, charges, payments, and sums of money, which shall hereafter be created, secured, or made payable, out of or upon the rates and duties to be raised by virtue of this act, or any sum or sums of money vested in, or payable to, the said trustees by virtue thereof.*

Satisfaction to be made to the dean and chapter of St. Paul's and their lessee for a weir upon the river Lee.

LXV. *And whereas Abraham Hume esquire is the owner of a certain house, weir, and fishery situate on the river Lee, some parts whereof it will be necessary to make use of in improving the said navigation, and other parts thereof may be rendered useless thereby; be it therefore further enacted, That it shall and may be lawful to and for the said trustees, or any seven or more of them, to contract and agree with the said Abraham Hume for the purchase of the said house, weir and fishery, with the appurtenances, for the yearly sum of twenty eight pounds, free from all deductions; and to pay out of the monies to be raised or paid by virtue of this act, the said yearly sum of twenty eight pounds, and also the cost and charges attending such agreement and purchase; which said yearly sum of twenty eight pounds shall be paid in preference to, and have a priority against, all other annuities, payments, charges, or sums of money, which shall hereafter be created and become payable to any person or persons advancing*

Satisfaction to be made to Abraham Hume Esq; for an house, weir, and fishery, upon the river Lee.

money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in or made payable to the said trustees by virtue hereof.

Satisfaction to be made to John Archer Esq; for an house, weir, and fishery, upon the river Lee.

LXVI. *And whereas* John Archer *esquire is the owner of a certain house and weir situate on the river Lee, some parts whereof it will be necessary to use in improving the said navigation, and other parts thereof may be rendered useless thereby;* be it therefore further enacted, That it shall and may be lawful to and for the said trustees, or any seven or more of them, to contract and agree with the said *John Archer* for the purchase of the said house and weir, with the appurtenances, for the yearly sum of twenty eight pounds, free from all deductions, and to pay out the monies to be raised or paid by virtue of this act the said yearly sum of twenty eight pounds, and also the costs and charges attending such agreement and purchase; which said yearly sum of twenty eight pounds shall be paid in preference to, and have a priority against, all other annuities, payments, charges, or sums of money, which shall hereafter be created and become payable to any person or persons advancing money by way of security upon the rates and duties by this act made payable, or on any sum or sums of money vested in, or made payable to, the said trustees by virtue hereof.

Towing-path through Enfield and Edmonton marshes to be the east side.

LXVII. Provided always, and be it further enacted, That the towing-path on the side of the new cut which shall be made through *Enfield and Edmonton Marshes*, shall be made on the east side of the said cut; except that part of it which extends from the head of *Enfield Mill Stream to Newman's Weir*.

Nothing to prejudice the river Stort.

LXVIII. Provided also, and be it enacted, That nothing in this act contained shall extend to authorize or empower the said trustees to do any act or acts whereby to prejudice, or render ineffectual, the navigation of the river *Stort*.

Navigation to be free.

LXIX. And be it enacted, That the said navigation shall from henceforth be a free navigation, and that all the King's liege people whomsoever shall and may have, and lawfully enjoy, free passage along, in, through, and upon, the channel of the said river, and such new cuts and canals as aforesaid, with and for boats, barges, lighters, and other vessels; and also the use of the towing or halting-paths, and all other necessary and convenient liberties for navigating the same, without any let, hindrance, or obstruction, from any person or persons whomsoever; subject nevertheless to the payment of such rates and duties as, by the tenor and true meaning of this act, are or ought to be paid to the said trustees, or such person or persons as they, or any seven or more of them, shall appoint to collect the same; and also subject to the orders and bye-laws which shall be, from time to time, made by the said trustees, or any seven or more of them, for the regulation of the said navigation.

Trustees to pay proprietors of locks, &c. for the passage of

LXX. And be it further enacted, That the said trustees, or any five or more of them, shall, and they are hereby required to pay, or cause to be paid, out of the monies to be raised and paid by virtue of this act, to the several and respective owners and

and proprietors, or occupiers, of any weir, turnpike, lock, cistern, or other place, upon the said river, where such respective owners and proprietors, or occupiers, have heretofore respectively taken any sum of money for the aiding or assisting any boat, barge, lighter, or other vessel, in the passing up or down the said river, such sum and sums of money as the said owners and proprietors, or occupiers, have respectively usually taken at such respective weirs, turnpikes, locks, cisterns, or other places, for the passing of every such boat, barge, lighter, or other vessel, that shall pass up or down the said river, until the contracts aforesaid, which the said trustees, or any seven or more of them, are by this act impowered to enter into, shall be carried into execution, or until such owners and proprietors, or occupiers respectively, shall have received satisfaction for the same, in manner herein before prescribed.

boats, &c. till the contracts carried into execution.

LXXI. Provided always, and be it further enacted, That the said several and respective owners and proprietors, or occupiers, of any such weir, turnpike, lock, cistern, or other place, upon the said river, shall, until such contracts as aforesaid shall have been carried into execution, or until such owners and proprietors, or occupiers respectively, shall have received such satisfaction as aforesaid; and they are hereby required by themselves, their agents, servants, or workmen, to do and perform all and every such acts, matters, and things, as shall be necessary for aiding and assisting boats, barges, lighters, and other vessels, in passing up or down the said river, in the same manner, and as effectually, as they have usually done before the passing of this act: and if any such owner and proprietor, or occupier, shall refuse or neglect to do or perform all such acts, matters, and things, as shall be necessary for the aiding and assisting the said boats, barges, lighters, and other vessels, in passing up or down the said river as aforesaid; every such owner and proprietor, or occupier, shall, for every such offence, forfeit and pay the sum of forty shillings.

Occupiers of locks and weirs to give the same assistance to the passing of boats as before the passing of the act, until the works of navigation are completed.

LXXII. And be it further enacted, That no person shall fit or act as a trustee in any case where he shall be in any wise directly or indirectly interested or concerned in the matter or matters in question; and that no person, other than such as are trustees in respect of offices, shall be qualified or capable of acting as a trustee by virtue of this act, who shall not be, in his own right, or in the right of his wife, in the actual possession and enjoyment, or receipt, of the rents and profits of lands, tenements, or hereditaments, freehold or copyhold, of the clear yearly value of one hundred pounds: and in case any person shall fit or act, being so interested; or if any person who shall be deemed unqualified, or made incapable for the causes aforesaid, shall nevertheless presume to act; every such person shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered, with full costs of suit, by any person or persons who shall sue or prosecute for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record

Qualification of trustees.

at *Westminster*; wherein no effoin, protection, or wager of law; or more than one imparlance, shall be allowed; and upon any such suit or prosecution, the proof of such qualification shall lie upon, and be made out of, by every trustee so to be sued or prosecuted.

First meeting of trustees.

LXXIII. And be it further enacted, That the said trustees, or any five or more of them, shall meet on *Wednesday* the first day of *July*, one thousand seven hundred and sixty seven, at a house known by the sign of the *Rose and Crown* at *Enfield Highway*, in the parish of *Enfield* in the county of *Middlesex*, and proceed to the execution of this act; and the said trustees, or any five or more of them, shall afterwards hold a general meeting on the first *Monday* in *June* in every year; and the said trustees, or any five or more of them, assembled at such first and at any subsequent meeting, may, from time to time, adjourn and hold their meetings at such place and places as they, or any five or more of them, shall appoint: and if at any time a sufficient number of trustees shall not attend to act or to adjourn the meeting, they shall, from time to time, as often as the case shall so happen, be deemed adjourned until that day month to the same place; and the treasurer, clerk, or surveyor, of the said trustees, shall cause notice in writing or in print under his hand, of the time and place of holding every meeting, to be affixed on some publick place in the towns of *Hertford, Ware, Stansted, Waltham Abbey, Enfield, Edmonton, Tottenham, Hackney, Bow, and Stratford Langthorn*, at least two days before every such meeting, unless the business to be transacted at any meeting, of which such notice has been given as aforesaid, shall not be concluded on the day mentioned in such notice; in which case the trustees, or any five or more of them, may, from time to time, adjourn to the succeeding day, or, if such day be *Sunday*, to the day after, and in like manner from day to day, and may meet again at the same or any other convenient place, and proceed in such business until the same is finished, without any notice to be given of the meetings held by such adjournments; but no meeting shall be held by virtue of this act at any place which is above ten miles distant from the said river; and the trustees at all their meetings shall defray their own expences; and no trustee or trustees shall be empowered to do any matter or thing in the execution of this act, otherwise than at a meeting to be held in pursuance hereof;

No order to be repealed unless 7 trustees, be present.

Trustees may act as justices.

On death of trustees, others to be chosen.

and that no order or determination of the said trustees, or any five or more of them, shall be revoked or altered, unless seven trustees shall be present, and concur therein.

LXXIV. And be it enacted, That all such trustees as are justices of the peace may act as justices of the peace in the execution of this act, notwithstanding their being trustees.

LXXV. And be it further enacted, That upon the death or resignation of any trustee hereby appointed or hereafter to be elected, the surviving trustees, or any seven or more of them, shall and may, from time to time, at any general meeting of the said trustees, whereof ten days notice shall at least be given in
some

Some publick news paper, elect in the stead of every such trustee deceased or resigning one other person to be a trustee, who at the time of his election shall be living or residing in the county where such deceased trustee or the trustee resigning did at the time of election, nomination, or appointment, live or reside; and every person so elected shall have the same authorities and powers as if he had been named a trustee in this act.

LXXVI. And be it further enacted, That the said trustees, or any seven or more of them, shall, by writing under their hands, from time to time, appoint such person or persons as they shall think fit to be collector or collectors of the rates or duties hereby granted or authorized to be taken; and also a treasurer or treasurers to receive all monies arising by virtue of this act, or of the said recited act (such treasurers and collectors giving security to the satisfaction of the said trustees, or any seven or more of them, for the due execution of their respective offices) and such collector or collectors, and all other persons who have had or received by virtue of the said recited act, or who shall at any time or times hereafter have or receive any money by virtue of this act, shall, from time to time, pay over all the monies so collected or received into the hands of the said treasurer or treasurers at such times and in such manner as the said trustees, or any seven or more of them, shall direct and appoint; and the said trustees, or any seven or more of them, may also appoint a clerk or clerks, and such other officers as they shall think fit to employ in the execution of this act, and may allow to such treasurers, collectors, clerks, and other officers, such salaries or recompence out of the monies to be raised or paid by virtue of this act, as they the said trustees, or any seven or more of them, shall think reasonable; and all such officers shall be, from time to time, removeable at the will and pleasure of the said trustees, or any seven or more of them; and the said trustees, or any five or more of them, shall, and may, from time to time, and at such times as they shall think proper, summon before them, and if they think fit examine upon oath (which oath any two of the said trustees are hereby impowered to administer) all or any of the said treasurers, collectors, clerks, and all other officers and persons employed in, or intrusted with, the receipt or expenditure of all or any of the monies received by virtue of the said recited act, or to be raised or received by virtue of this act; and every such treasurer, collector, clerk, and other officer and person as aforesaid, is hereby required to render to the said trustees, or any five or more of them, a true, exact, and perfect account in writing, of all and every sum and sums of money so by him respectively received or expended as aforesaid: and in case any or either of such treasurers, collectors, clerks, or other officers or persons, shall be found in arrear, or refuse to account, or to pay the money due upon the balance of such account, according to the orders and directions of the said trustees, or any five or more of them; it shall and may be lawful for the said trustees, or any five or more of them, by warrant or warrants under

Power to appoint officers;

who are to account upon oath.

Officers refusing to account may be committed.

under their hands and seals, to levy by distress and sale of the goods and chattles of the person or persons so found in arrear or refusing to account, or to pay the money due upon the balance of such account, such sum or sums of money as he or they shall be required to account for, or as shall be found due upon the balance of his or their account or accounts; and for want of sufficient distress, it shall be lawful for any one or more justice or justices of the peace for the county or place where such offender or offenders shall then be or reside, upon proof made of all or any of the offences aforesaid, by warrant or warrants under his or their hand and seal, or hands and seals, to commit such offender or offenders to the common gaol of the county or place wherein such offender or offenders shall then be or reside, there to remain without bail or mainprize until he or they shall have made a true and perfect account, and paid such monies as shall appear to be remaining in his or their hands to the said trustees, or any five or more of them, or according to their appointment, or shall have compounded for the same, and paid such composition-monies, which composition the said trustees, or any five or more of them, are hereby impowered to make; or such trustees, or any five or more of them, may, and are hereby impowered to bring, or cause to be brought, any action or actions, in the name or names of any one or more of them, or in the name of their treasurer or clerk, in any of his Majesty's courts of record at *Westminster*, against any such officer or person so refusing, neglecting, or making default as aforesaid, for the recovery of the monies that shall be in the hands of such officer or other person respectively.

Treasurer, clerk, &c. to deliver books relating to the trust.

LXXVII. And be it further enacted, That if any person, who hath been or shall be appointed a treasurer, or receiver, collector, clerk, surveyor, or other officer as aforesaid, shall refuse or neglect to deliver up to the said trustees, or any five or more of them, being thereunto required by the said trustees, or any five or more of them, either by a personal demand, or by writing under their hands, left at the last usual place of abode of such treasurer or receiver, collector, clerk, surveyor, or other officer, at a certain time and place to be appointed, all the books, papers, and writings, in his or their custody or power relating to the trusts and powers by the said recited act or this act granted to the said trustees, it shall and may be lawful for one or more justice or justices of the peace, on the complaint of the said trustees, or any five or more of them, by warrant under their hands and seals, to commit such person or persons to the common gaol of the county wherein he or they shall dwell, there to remain without bail or mainprize, until he or they shall deliver, or cause to be delivered, to the said trustees, or any five or more of them, or to their order, all or any of the said books, papers, and writings, or shall have given an account thereof to the satisfaction of the said trustees, or any five or more of them.

LXXVIII. *And whereas by the said recited act, passed in the twelfth year of the reign of his late Majesty, it is, among other things*

things, enacted, That the governor and company of the New River shall pay, or cause to be paid, unto such person and persons as the trustees appointed in or by virtue of the said act, or any ten or more of them, should, from time to time, by writing under their hands, appoint, the several yearly sums of money in the said act particularly mentioned, in the manner and at the times therein mentioned; which said yearly sums were directed to be applied for the better preservation and improvement of the navigation of the river Lee, as therein mentioned, and for purchasing, building, or hiring, locks or weirs upon the said river, and for other the purposes in the said act mentioned; be it therefore further enacted, That from and after the passing of this act, the said governor and company shall pay, or cause to be paid, to the said trustees appointed in or by virtue of this act, or any five or more of them, or to such person or persons as they, or any seven or more of them, shall, from time to time, by writing under their hands, appoint, and at such time or times as in the said act is appointed for payment thereof, the said several yearly sums of money, and all arrears thereof; and the said several yearly sums of money, or annual payments, and all arrears thereof, shall be, and the same are hereby, vested in the said trustees appointed in or by virtue of this act, and shall be by them, or any five or more of them, from time to time, applied to the uses and for the purposes of this act; and the said trustees, or any five or more of them, shall be, and they are hereby, vested with the same powers and authorities for the demanding and recovering the said several yearly sums of money or annual payments, or any part or parts thereof which shall be behind or unpaid, as fully and effectually, to all intents and purposes, as the same are given to, or vested in, the trustees appointed in or by virtue of the said recited act.

New River
company to
pay certain
sums to the
trustees.

LXXIX. And be it further enacted, That it shall and may be lawful to and for the said trustees appointed in or by virtue of this act, or any five or more of them, to settle and adjust with the treasurer, clerk, or any other officer or officers of the trustees appointed by virtue of the said recited act, or any other person or persons whomsoever, any accounts depending between them respectively, and the said trustees appointed by the said recited act; and out of the monies to be raised or paid by virtue of this act, to pay all such sums of money as shall be coming due on the balance of such accounts from the trustees appointed by virtue of the said recited act, to the person or persons to whom the same shall appear to be due; which payments shall be an effectual discharge to the trustees appointed by the said recited act: and that all and every sum and sums of money now or at any time hereafter to be due or owing from such treasurer, clerk, or other officer or officers, or any other person or persons, to the said trustees appointed by virtue of the said recited act; and all securities for money, belonging to such trustees, in the hands of such treasurer or other person or persons, are hereby vested in the said trustees appointed in or by virtue of this act, to be by them, or any five or more of them, from time to time, applied

Trustees to
settle ac-
counts with
the officers,
&c. under the
former act,
and to pay the
balance.

for the purposes of this act; and the said trustees, or any five or more of them, are hereby authorized and empowered to demand, sue for, and recover, all and every such securities for money, and all monies due or to grow due thereon, as fully and effectually, to all intents and purposes, as the trustees appointed in or by virtue of the said recited act could or might have done, in case this act had not been made.

What rates
and duties
shall be taken.

LXXX. And be it further enacted, That at such place and places upon or adjoining to the said river, or cuts or canals, as the said trustees, or any seven or more of them, shall, under their hands and seals, appoint, there shall be paid to the collector or collectors appointed by the said trustees, or any seven or more of them, by all and every person and persons who shall carry or convey any goods, wares, merchandizes, or commodities whatsoever, up or down the said river, or cuts or canals (except as herein after is excepted) such sum or sums of money as the said trustees, or any seven or more of them, shall, upon due consideration of the expences attending the execution of this act, from time to time, and at all times hereafter, think proper to appoint, not exceeding the following rates and duties (that is to say)

For every chaldron of coals, culm, or cinders, that shall be carried or conveyed through *King's Weir*, or through the lock which shall be made or erected at or nearest to the said weir, eight pence: and for every ton of other goods, wares, merchandizes, and commodities whatsoever, that shall be carried or conveyed through the said weir or lock, six pence; and so in proportion for any greater or lesser quantity or weight than a chaldron or ton.

And for every chaldron of coals, culm, or cinders, which shall be carried or conveyed through *Newman's Weir*, or through the lock which shall be made or erected at or nearest to the said weir, eight pence: and for every ton of other goods, wares, merchandizes, and commodities whatsoever, that shall be carried or conveyed through the said weir or lock, six pence; and so in proportion for any greater or lesser quantity or weight than a chaldron or ton.

And for every chaldron of coals, culm, or cinders, which shall be carried or conveyed through *Lee Bridge*, or through any lock which shall be made or erected in the new cut below the said bridge, four pence: and for every ton of other goods, wares, merchandizes, and commodities, that shall be carried or conveyed through the said bridge or lock, three pence; and so in proportion for any greater or lesser quantity or weight than a chaldron or ton.

And for every chaldron of coals, culm, or cinders, which shall be carried or conveyed on the cut which shall be made from *Bromley Lock* into the river *Thames*, three pence: and for every ton of other goods, wares, merchandizes, and commodities, that shall be carried or conveyed on the said cut, two pence; and so in

in proportion for any greater or lesser quantity or weight than a chaldron or ton.

And for every pleasure boat which shall pass through either of the said locks or places, or on the said cut which shall be made from *Bromley Lock* into the river *Thames*, one shilling,

LXXXI. Provided always, That five quarters of wheat, rye, beans, peas, and tares, shall be allowed to a ton; six quarters of barley to a ton; eight quarters of malt and oats to a ton; eight sacks of meal or flour, containing five bushels each, to a ton; and ten quarters of bran or pollard to a ton: and if any person or persons hereby made subject to the payment of the said rates and duties, or any of them, shall not pay the same, upon demand thereof made by the collector or collectors appointed as aforesaid to collect the said rates and duties, or any of them, such collector or collectors is and are hereby authorized and required to seize any such goods, wares, merchandizes, or commodities, and the boats, barges, lighters, or other vessels carrying or conveying the same, and such pleasure boats respectively; and in case such rate and duty, or rates and duties, shall not be paid within the space of four days next after such seizure, it shall be lawful for such collector or collectors to sell such goods, wares, merchandizes, and commodities, boats, barges, lighters, and other vessels, or pleasure boats; rendering the overplus (if any) to the person or persons making default in payment as aforesaid, after the said rate and duty, or rates and duties, together with the reasonable charges of such seizure and sale, shall be deducted and paid.

LXXXII. Provided always, That no tonnage rates or duties shall be due, paid, or demanded, for any boat, barge, lighter, or other vessel, carrying only oil cakes, malt dust, pigeon dung, or manure of any kind whatsoever, on the said river, or the said new cuts or canals, or any of them, or any part thereof; any thing herein contained to the contrary notwithstanding. Exemptions.

LXXXIII. Provided also, That if the cut or canal between *Lee Bridge* and *Hackney Brook* shall not be made and perfected within the space of seven years from the passing of this act, the said tolls, duties, or rates, hereby directed to be paid between the said bridge and the said brook, shall cease, determine, and be no longer paid. Conditional exemptions.

LXXXIV. And, for the more easy collecting the rates and duties hereby made payable, be it further enacted, That every person having the charge of any boat, barge, lighter, or other vessel, which shall pass through any or either of the said weirs or locks, or bridge, or on the said cut, shall give an account, in writing, signed by himself, unto such person or persons, and at such place and places as shall, from time to time, be appointed by the said trustees, or any seven or more of them, to receive the same, of the quantity, quality, and weight, of the goods, wares, merchandizes, and commodities, which shall be in such boat, barge, lighter, or other vessel, at the time the same shall pass through Report to be made of loading by navigators.

through the said weir, lock, bridge, or on the said cut; as of the quantity, quality, and weight, of the goods, wares, chandizes, and commodities, which shall have been discharged or taken out of such boat, barge, lighter, or other vessel, the arrival thereof at the place where such account is to be; and in failure of giving such account, or in case a false account shall be given, every such person shall, for every such offence, forfeit and pay the sum of five pounds; and if any dispute shall arise between any collector of the said rates and duties, the person having the charge of any boat, barge, lighter, or vessel, or the owner of any goods, wares, merchandizes, or commodities therein, concerning the quantity, quality, or weight of the same, it shall be lawful for such collector to stop and detain any such boat, barge, lighter, or other vessel, and to measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such goods, wares, merchandizes, or commodities; and in case the same shall appear to be of a quantity or weight, or other quality, than such person shall find the same to be, in every such case, such person shall pay the charges of such weighing, measuring, gauging, and numbering; and the said costs and charges, and penalty, upon the first payment thereof, on demand, shall and may be recovered in the same manner as the rates and duties hereby granted are appointed to be recovered; but if such goods, wares, merchandizes, or commodities, shall appear to be of no greater quantity or weight, or of no other quality, than shall have been found in such account, then such collector shall pay such costs and charges; and shall also pay to such person, or to the owners of such goods, wares, merchandizes, or commodities, two shillings and six pence for every hour that such boat, lighter, or other vessel, shall be detained upon account of weighing, measuring, gauging, or numbering, and so in proportion for any greater or lesser time than one hour; and in case of immediate payment thereof, the same shall be levied by distress and sale of the goods and chattles of such collector, by warrant under the hand and seal of any justice of the peace, either of the counties of *Hertford*, *Essex*, or *Middlesex*; returning the overplus (if any) to the owner or owners thereof, the said payment and charges of such distress and sale shall be deducted.

Monies to be raised vested in the trustees.

LXXXV. And be it further enacted, That all sums of money to be raised or paid by virtue of this act shall be, and they are hereby, vested in the said trustees, and shall be applied, first place, in discharging the expences incurred in, and in relation to, the obtaining this act; and afterwards, in paying several annual payments herein before directed to be made in performing the several contracts and agreements entered into by the said trustees, or any seven or more of them, in pursuance thereof; and for improving, completing, and maintaining said navigation, and carrying this act, and the several powers, and authorities, herein contained, into effectual execution, and to no other use or purpose whatsoever.

LXXXVI.

LXXXVI. *And in order to raise a sufficient sum of money for the speedy execution of this act,* be it further enacted, That it shall and may be lawful for the said trustees, or any seven or more of them, from time to time, to assign over the rates and duties arising by virtue of this act, and also any sum or sums of money by this act made payable to, or vested in, the said trustees, or any part or parts thereof; the costs and charges of assigning the same to be paid out of such rates and duties, or sum or sums of money, as a security for any sum or sums of money to be borrowed, with interest for the same, to such person or persons as shall advance the same, or their trustee or trustees: and all and every person and persons to whom the said trustees, or any seven or more of them, shall, at any time or times, make such assignment or assignments, shall be equally intitled to their proportion of the said rates and duties, or sum or sums of money, according to the respective sums in such assignments mentioned to be advanced, to secure the repayment thereof, with interest as aforesaid, without any preference by reason of priority of assignment, or on any other account whatsoever; and the money so borrowed shall be applied in such manner as the said rates and duties, and sum and sums of money are herein before directed to be applied, and to no other use or purpose; and an entry or memorial of every such assignment, containing the date, names of the parties, and sums of money, shall be made in a book or books to be kept for that purpose by the clerk or clerks, treasurer or treasurers, to the said trustees; which said book or books, shall and may be perused at all reasonable times by all persons whomsoever without fee or reward; and all and every person or persons, to whom any such assignment or assignments shall be made as aforesaid, or who shall be intitled to the money thereby secured, may, from time to time, assign or transfer his, her, or their right, title, interest, or benefit, to the principal and interest thereby secured, or any part or parts thereof, to any person or persons whomsoever; which said transfer or assignment, shall be produced and notified to the clerk or clerks, treasurer or treasurers, who shall cause an entry or memorial to be made of such assignment or transfer, containing the date, names of the parties, and the sums of money therein transferred, in the said book or books to be kept for the entering the said original assignments, for which the said clerk or clerks, treasurer or treasurers, shall be paid such sums as the said trustees, or any seven or more of them, shall appoint, not exceeding the sum of two shillings and six pence; and such entry being made, but not till then, every such assignment shall intitle such assignee, his, her, or their executors, administrators, and assigns, to the benefit thereof and payment thereon; and such assignees may in like manner assign again, and so *toties quoties*; and it shall not be in the power of such person or persons who shall have made such assignment, to make void, release, or discharge the same, or any monies thereby secured, or any part thereof.

Trustees may borrow money.

Application of the money borrowed.

LXXXVII. And be it further enacted, That in case the said trustees, or any seven or more of them, shall also think it proper
 Money may be raised by annuities for per lives.

through the said weir, lock, bridge, or on the said cut; and also of the quantity, quality, and weight, of the goods, wares, merchandizes, and commodities, which shall have been discharged or taken out of such boat, barge, lighter, or other vessel, before the arrival thereof at the place where such account is to be given; and in failure of giving such account, or in case a false account shall be given, every such person shall, for every such offence, forfeit and pay the sum of five pounds; and if any difference shall arise between any collector of the said rates and duties, and the person having the charge of any boat, barge, lighter, or other vessel, or the owner of any goods, wares, merchandizes, or commodities therein, concerning the quantity, quality, or weight, of the same, it shall be lawful for such collector to stop and detain any such boat, barge, lighter, or other vessel, and to weigh, measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such goods, wares, merchandizes, and commodities; and in case the same shall appear to be of a greater quantity or weight, or other quality, than such person declared the same to be, in every such case, such person shall pay the costs and charges of such weighing, measuring, gauging, and numbering; and the said costs and charges, and penalty, upon refusal of payment thereof, on demand, shall and may be recovered in the same manner as the rates and duties hereby granted are appointed to be recovered; but if such goods, wares, merchandizes, or commodities, shall appear to be of no greater quantity or weight, or of no other quality, than shall have been specified in such account, then such collector shall pay such costs and charges; and shall also pay to such person, or to the owner or owners of such goods, wares, merchandizes, or commodities, two shillings and six pence for every hour that such boat, barge, lighter, or other vessel, shall be detained upon account of such weighing, measuring, gauging, or numbering, and so in proportion for any greater or lesser time than one hour; and in default of immediate payment thereof, the same shall be levied by distress and sale of the goods and chattles of such collector, by warrant under the hand and seal of any justice of the peace of either of the counties of *Hertsford*, *Essex*, or *Middlesex*; rendering the overplus (if any) to the owner or owners thereof, after the said payment and charges of such distress and sale shall be deducted.

Monies to be raised vested in the trustees.

LXXXV. And be it further enacted, That all sums of money to be raised or paid by virtue of this act shall be, and they are hereby, vested in the said trustees, and shall be applied, in the first place, in discharging the expences incurred in, and in relation to, the obtaining this act; and afterwards, in paying the several annual payments herein before directed to be made, and in performing the several contracts and agreements entered into by the said trustees, or any seven or more of them, in pursuance thereof; and for improving, completing, and maintaining, the said navigation, and carrying this act, and the several provisions, powers, and authorities, herein contained, into effectual execution, and to no other use or purpose whatsoever.

LXXXVI. And

LXXXVI. *And in order to raise a sufficient sum of money for the speedy execution of this act,* be it further enacted, That it shall and may be lawful for the said trustees, or any seven or more of them, from time to time, to assign over the rates and duties arising by virtue of this act, and also any sum or sums of money by this act made payable to, or vested in, the said trustees, or any part or parts thereof; the costs and charges of assigning the same to be paid out of such rates and duties, or sum or sums of money, as a security for any sum or sums of money to be borrowed, with interest for the same, to such person or persons as shall advance the same, or their trustee or trustees: and all and every person and persons to whom the said trustees, or any seven or more of them, shall, at any time or times, make such assignment or assignments, shall be equally intitled to their proportion of the said rates and duties, or sum or sums of money, according to the respective sums in such assignments mentioned to be advanced, to secure the repayment thereof, with interest as aforesaid, without any preference by reason of priority of assignment, or on any other account whatsoever; and the money so borrowed shall be applied in such manner as the said rates and duties, and sum and sums of money are herein before directed to be applied, and to no other use or purpose; and an entry or memorial of every such assignment, containing the date, names of the parties, and sums of money, shall be made in a book or books to be kept for that purpose by the clerk or clerks, treasurer or treasurers, to the said trustees; which said book or books, shall and may be perused at all seasonable times by all persons whomsoever without fee or reward; and all and every person or persons, to whom any such assignment or assignments shall be made as aforesaid, or who shall be intitled to the money thereby secured, may, from time to time, assign or transfer his, her, or their right, title, interest, or benefit, to the principal and interest thereby secured, or any part or parts thereof, to any person or persons whomsoever; which said transfer or assignment, shall be produced and notified to the clerk or clerks, treasurer or treasurers, who shall cause an entry or memorial to be made of such assignment or transfer, containing the date, names of the parties, and the sums of money therein transferred, in the said book or books to be kept for the entering the said original assignments, for which the said clerk or clerks, treasurer or treasurers, shall be paid such sums as the said trustees, or any seven or more of them, shall appoint, not exceeding the sum of two shillings and six pence; and such entry being made, but not till then, every such assignment shall intitle such assignee, his, her, or their executors, administrators, and assigns, to the benefit thereof and payment thereon; and such assignees may in like manner assign again, and so *toties quoties*; and it shall not be in the power of such person or persons who shall have made such assignment, to make void, release, or discharge the same, or any monies thereby secured, or any part thereof.

Trustees may borrow money.

Application of the money borrowed.

LXXXVII. And be it further enacted, That in case the said trustees, or any seven or more of them, shall also think it proper

Money may be raised by annuities for per lives.

per and advisable to raise money, for the more speedy execution of this act, upon the rates and duties, or sum or sums aforesaid, by way of annuities for lives, it shall and may be lawful for the said trustees, or any seven or more of them, so to do; and it shall and may be lawful to and for any person or persons to contribute, advance, and pay, into the hands of the said trustees, or any seven or more of them, or such person or persons as they, or any seven or more of them, shall, by any writing under their hands and seals, authorize to receive the same, for the uses before mentioned, any sum or sums of money, for the absolute purchase of one or more annuity or annuities, to be paid and payable during the full term of the natural life of every contributor, or the natural life of any person who shall be nominated by or on behalf of such contributor, at the time of payment of their respective contribution-monies; which annuity or annuities shall not exceed the rate of eight pounds *per centum per annum*, and so in proportion for any greater or lesser sum to be advanced and paid as aforesaid: all which said annuity or annuities, so to be purchased as aforesaid shall be payable and paid by the said trustees, or any five or more of them, in such place as they, or any seven or more of them, shall, for that purpose, appoint, at or upon the four most usual feasts or days of payment in the year, by even and equal portions; the first payment to begin and be made to the respective purchasers, or their assigns, at or on such of the feasts aforesaid as shall first happen next after the payment of the respective monies.

Purchasers names to be entered in a book,

LXXXVIII. And be it further enacted, That there shall be provided by the said trustees, or any five or more of them, and kept in such place as they the said trustees, or any five or more of them, shall appoint, a book or books, in which shall be fairly written in words at length the names and surnames, with the proper additions and places of abode of all such persons as shall be purchasers of any of the annuities aforesaid, and of all persons by whose hands the said purchasers shall pay in any sum or sums of money upon the credit of this act; and also the sum and sums so paid for the purchase of such annuities, and the respective days of payment thereof; to which book and books it shall and may be lawful for the respective purchasers, and their assigns, from time to time, and at all reasonable times, to have recourse, and inspect the same without fee or reward.

and the sums paid by them, &c.

Contributors to be intitled to annuities for life.

LXXXIX. And be it further enacted, That all and every the annuities, so to be purchased by virtue of this act, shall be, and are hereby declared to be, charged upon the rates and duties, or sum or sums of money, herein before mentioned, subject to such assignments as aforesaid, and shall be paid and payable, from time to time, out of the supply of the monies arising by the same, after payment of the interest of the several sums of money to be borrowed at interest upon the credit of the rates and duties as aforesaid; and all and every the

The contributor and contributors upon the credit of this act, or such person or persons as he or they shall appoint, and his and their respective assigns, shall be intitled, by virtue of this act, to have, receive, and enjoy, the respective annuity or annuities, so to be purchased as aforesaid, during the term of the natural life of the person to be nominated by each such purchaser and contributor as before mentioned; and that all and every such purchaser and purchasers, and their assigns respectively, shall have good, sure, absolute, and indefeasible estates and interests in the annuities so by them respectively to be purchased, according to the tenor and true meaning of this act; and that none of the said annuities shall be subject or liable to the taxes charged upon lands by authority of parliament.

XC. And be it further enacted, That every contributor upon this act, for the purchase of any such annuity or annuities as aforesaid, his, her, or their assigns, upon payment of the consideration or purchase-money for the same, or any part or proportion thereof, into the hands of the said trustees, or any seven or more of them, or to such person or persons as they, or any seven or more of them, shall, for that purpose, appoint, shall have one or more receipt or receipts, importing the receipt of such purchase-money as shall be so paid; and upon payment of all the purchase-money for any such annuity or annuities, at the rate aforesaid, every such contributor, his, her, or their assigns respectively, shall have an order on parchment or vellum (which may be made without stamps thereon) for payment of the said annuity or annuities, for and during the natural life of such person as shall be so nominated as aforesaid; which order shall be signed by the said trustees, or any seven or more of them; and after the signing thereof, the same shall, by virtue of this act, be firm, good, valid, and effectual, in law, according to the import and true meaning thereof, and of this act.

Contributors to have receipts, and an order for payment.

XCI. And be it further enacted, That it shall and may be lawful to and for the purchaser or purchasers of any such annuity or annuities as aforesaid, and his, her, or their executors, administrators, or assigns, at any time or times, by writing under his, her, or their hands and seals (without any stamps thereupon) to assign such annuity or annuities, or any part thereof, or interest therein, to any person or persons whomsoever, and so *toties quoties*; and a memorandum or entry of all such assignments shall be made in a book, which is required to be kept for that purpose in such place where the said trustees, or any five or more of them, shall appoint, for which entry or memorandum the sum of two shillings and six pence shall be paid, and no more; and such book may, at all seasonable times, be inspected by any person or persons interested therein.

Annuities may be assigned.

Memorandum to be made thereof;

XCII. Provided always, That no such assignment shall be deemed good or effectual, until such entry or memorandum shall be made in such book as aforesaid; and all such annuitants, and their respective assigns, shall be creditors in equal degree, without preference in respect of the priority of his, her, or their, advancing the money on their respective securities.

otherwise ineffectual.

Annuitants
remedy for
arrears.

XCIII. And be it further enacted, That the said rates and duties, and sum and sums of money, shall be chargeable with and for the payment of all and every such annuity or annuities, and all arrears thereof, from time to time, subject and in manner aforesaid; and shall, upon default of payment of any such annuity, or any part thereof, within the space of thirty days next after any of the times when the same shall be made payable, vest in the annuitant or annuitants, or such person or persons to whom the same shall be assigned as aforesaid, subject as aforesaid, until the same shall be fully paid and satisfied, together with interest, and the costs and charges occasioned by the non-payment of the same; and that the said annuitant or annuitants, or such person or persons to whom the same shall be assigned as aforesaid, in case the said annuities shall be in arrear and unpaid by the space of sixty days as aforesaid, and until full payment thereof, with the interest and charges as aforesaid, shall have the same powers and authorities for demanding, collecting, and recovering, the said rates and duties, and receiving the said sum and sums of money, as are by this act granted to the said trustees, their collectors, or receivers, or any of them, subject nevertheless as aforesaid.

Bridges to be
erected.

XCIV. And be it further enacted, That the said trustees, or any five or more of them, shall cause to be made, set up, and, from time to time, maintained and kept in repair, convenient, and substantial gates, bridges, passages, and stiles, in and over all the ditches and fences in the towing-paths, to be used for the purposes of this act, where the same shall respectively be necessary; and also such bridges over the new cuts, trenches, and passages, as shall be proper for the use of the occupiers of the lands, tenements, and hereditaments, thereunto adjoining; and also that if the said trustees, or any five or more of them, shall think proper to cause the said river to be deepened in any part or parts, so as to render any usual and common fords and highways impassable or dangerous; in every such case the said trustees, or any five or more of them, shall first cause a sufficient bridge or bridges to be erected, or such other conveniences to be made as the said trustees, or any five or more of them, shall judge proper, where such fords or highways now are, or as near thereto as conveniently may be; and shall, from time to time, maintain and keep the said bridges or conveniences in repair for the accommodation of all persons having occasion to pass over the same; and also, if the said trustees, or any five or more of them, shall find it necessary to raise any banks upon the sides of the said river for towing-paths, or otherwise, whereby the waters may be prevented from going off, or overflowing the adjacent lands; the said trustees, or any five or more of them, shall first cause sufficient tunnels to be laid through such banks so to be raised at proper places for draining or overflowing the same, and shall, from time to time, keep such banks and tunnels in repair.

Tunnels to
be laid.

XCv. And be it further enacted, That the steersman, or other

other person, having the care, charge, or management, of any boat, barge, lighter, or other vessel, which shall pass upon the said river, cuts, or canals, shall be answerable and shall make satisfaction for any damage, spoil, or other mischief that shall be done by any such boat, barge, lighter, or other vessel, or by any person or persons belonging to, or employed in or about the same respectively, or by the horses or servants used or employed in haling or towing the same, or by loading or unloading any boat, barge, lighter, or other vessel, unto any of the bridges, locks, staunches, dams, sluices, cuts, banks, or other works, that now are or shall be erected and maintained, in, upon, or near the said river or streams, or cuts or canals; and also for any trespass or damage that shall or may be done to any mills, lands, tenements, or hereditaments, or any crop on the ground adjoining or lying near to the said river or streams, or cuts or canals; and if any such damage, spoil, or mischief shall be done, the same shall be enquired into and determined by any justice of the peace for the county or place where such damage, spoil, or mischief shall be done, or the said steersman or other person shall dwell or be; who is hereby authorized and required, upon complaint or information made before him, to summon the steersman or other person having the care, charge or management, of such boat, barge, lighter, or other vessel, to appear before him; and upon his, her, or their appearance, or making default to appear (proof being made upon oath before such justice, that the party neglecting to appear was personally served with such summons, or that the same was left for him, her, or them, at his, her, or their usual place of abode, or at the usual place of abode of the owner or owners of such boat, barge, lighter, or other vessel) such justice shall proceed to examine into the truth of the said complaint or information; and upon conviction of the party complained of, by proof upon the oath of one or more credible witnesses or witnesses, shall award and order such sum of money to be paid by such steersman, or other person having the care, charge, or management as aforesaid, as a recompence for such damage, spoil, or mischief, as the said justice shall think proper; and in default of immediate payment thereof, or security being given for the payment thereof to the satisfaction of the said justice, it shall and may be lawful to and for such justice to commit such steersman, or other person having the care, charge, or management as aforesaid, to the common gaol or house of correction of the county, for any time not exceeding two months, or until such recompence shall be paid.

Steersman to be liable for damages.

XCVI. And be it further enacted, That if any person being the steersman, or having the care, charge, or management of any boat, barge, lighter, or other vessel, or navigating or working the same, shall lay such boat or vessel so as to obstruct the passage of other boats or vessels, and shall not upon request immediately remove the same, or shall hinder the opening or shutting of any of the said locks, cisterns, or sluices, or shall

Penalties on steersman obstructing the passage of boats, or being absent from his boat.

be absent, unless by reason of some inevitable accident, from the boat, barge, lighter, or other vessel, to which he belongs, at any time during the course of the passage of such boat, barge, lighter, or other vessel, on the said river, or cuts or canals; every person so offending as aforesaid shall, for every such offence, forfeit and pay any sum not exceeding forty shillings.

Boats sunk to be weighed up.

XCVII. And be it further enacted, That if any boat, barge, lighter, or other vessel, shall happen to be sunk in the said river, or cuts or canals, and the owner or person having the care thereof, shall not without loss of time weigh or draw up and haul the same out of the way of other vessels passing upon the said navigation, it shall be lawful for any agent or servant of the said trustees, to cause such boat, barge, lighter, or other vessel, to be weighed or drawn up, and to detain and keep the same until payment shall be made of all expences occasioned thereby; and if payment be not made in four days, such agent or servant shall cause sale to be made thereof for reimbursing the said expences, or other incident charges, returning the overplus (if any be) to such owner or person.

The owner's and steersman's names to be mentioned on the vessel.

XCVIII. And be it further enacted, That the owner or owners of every boat, barge, lighter, or other vessel, having goods on board, passing upon the said river, or cuts, or canals, or any of them, or any part thereof, shall cause his, her, or their name or names, and also the name of the steersman, or other person having the care or charge of every such boat, barge, lighter, or other vessel, and their respective places of abode, to be placed and set at full length in large capital letters and figures four inches long, and broad in proportion, on the upper part of the bow on both sides of every such boat, barge, lighter, or other vessel, and painted white, so that the same shall from time to time, and at all times, be plain and legible; and in case any such owner or owners shall not at all times have his, her, or their name or names, and also the name of the steersman, or such other person or aforesaid, and their respective places of abode, so set or placed as aforesaid; or of any person or persons, having the care or charge of any boat, barge, lighter, or other vessel, passing upon the said river, or cuts or canals, into or through any of the sluices, locks, or cisterns, shall wilfully or negligently set or leave open any of the gates, doors, cloughs, or flakers, belonging to any such sluice, lock, or cistern, whereby the water shall run waste to the hindrance or detriment of the said navigation, or of any mill or lands; then, and, in every such case, every such owner or person so neglecting or offending, shall forfeit and pay the sum of five pounds.

Penalty on persons opening locks, &c.

XCIX. And be it further enacted, That if any person shall maliciously open, or cause to be opened, any locks or cloughs belonging to the said navigation; or shall leave any of the cloughs running, after any boat, barge, lighter, or other vessel, shall have passed any lock belonging to the said navigation; or shall

shall draw, or cause to be drawn, any clough in the lock-gates on such navigation, so as to mis-spend or waste the water, to the prejudice of the said navigation, or of any mills or lands; every such person, for every such offence, shall forfeit and pay any sum not exceeding five pounds.

C. And be it further enacted, That the said trustees, or any seven or more of them, shall, from time to time, have full power and authority to make bye-laws, orders, and constitutions, for the good and orderly using of the said navigation, for settling the wages, and for the well-governing of the bargemen, watermen, and boatmen, who shall convey or carry any goods, wares, or merchandizes, on any part thereof; and from time to time, to alter or repeal the same; and to impose such reasonable fines and forfeitures upon all persons offending against such bye-laws, orders, or constitutions, as they the said trustees, or any seven or more of them shall think fit; such fines and forfeitures to be levied by such ways and means as the said trustees, or any seven or more of them, shall direct, so as no such fine shall exceed the sum of five pounds upon any person for one offence; which said bye-laws, orders, and constitutions, being put into writing under the hands and seals of the said trustees, or any seven or more of them, shall be binding to, and be observed by, all parties, and shall be sufficient in any court of law or equity to justify all persons who shall act under the same, or in levying any penalty or forfeiture thereby incurred: but any person or persons thinking himself, herself, or themselves, aggrieved by any order or judgement made or given in pursuance of any such bye-law, order, or constitution, may, within six months after such order or judgement shall be made or given, complain to the justices of the peace at their general or quarter sessions to be held for either of the said counties of *Hertford, Essex, or Middlesex*, who shall, in a summary way, either hear and determine the said complaint at such general quarter session, or, if they think proper, may adjourn the hearing thereof to the next general or quarter session of the peace to be held for the said county; and, if they see cause, may mitigate or alter such forfeiture, and may order any money to be returned which shall have been paid or levied in pursuance of such bye-law, order, or constitution, and may also order such further satisfaction to be made, and give such costs to the party injured, as they shall judge reasonable.

CI. And be it further enacted, That the pecuniary fines, penalties, and forfeitures, hereby inflicted, or authorized to be imposed, the recovery whereof is not herein before directed, shall be recovered by distress and sale of the offender's goods and chattels, by a warrant or warrants under the hand and seal, or hands and seals, of any justice or justices of the peace for any of the said counties of *Hertford, Essex, or Middlesex*; and in case sufficient distress shall not be found, it shall be lawful for any such justice or justices to commit such offender or offenders to the common gaol or house of correction of the county, there to remain,

Commissioners may make bye laws, &c.

Persons aggrieved may appeal to the quarter sessions.

Penalties and forfeitures how to be recovered.

remain, without bail or mainprize, for any time not exceeding three months, or until the said fines, penalties, or forfeitures, shall be paid; and that all such fines, penalties, or forfeitures, or any part or parts thereof, which are not herein before applied, shall be paid into the hands of the treasurer or treasurers to the said trustees, and applied for the purposes of this act.

General appeal to the quarter sessions.

CII. Provided always, and be it further enacted, That all persons who shall think themselves aggrieved by the order or judgement of any justice or justices of the peace, upon account of any offence committed or supposed to be committed against this act, may appeal to the justices of the peace for either of the said counties where the offence was committed, or supposed to be committed at any general quarter sessions of the peace to be held within the space of six calendar months after such cause of appeal shall happen; the person or persons so appealing first giving security, to the satisfaction of the said justice or justices, to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said general quarter sessions, in case such order of judgement shall be affirmed; and the justices, at such general or quarter sessions, are hereby authorized and required to hear and determine such appeal, and to make such orders therein, and to award costs, as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable by any writ of *Certiorari*, or otherwise, into any of his Majesty's courts of record, at *Westminster*, or elsewhere; and that no order or proceeding to be had by or before any justice or justices of the peace relating to the execution of this act, shall be quashed or vacated for want of form only.

Penalty on giving false evidence.

CIII. And be it further enacted, That all and every person or persons who, in any examination to be taken by virtue of this act, shall give false evidence before the said trustees, or any of them, or before any justice or justices of the peace, shall and may be prosecuted for the same; and, upon conviction thereof, shall be subject to all the pains and penalties which persons are or may be subject to by the laws of this kingdom for wilful and corrupt perjury,

Penalty on persons destroying the works.

CIV. And be it further enacted, That if any person or persons shall wilfully and maliciously cut, break down, damage, or destroy, any banks or other works erected or made, or to be erected or made, for the purposes of the said navigation; such person or persons shall be adjudged guilty of felony, and shall be subject and liable to the like pains and penalties as in other cases of felony; and the court by and before whom such person or persons shall be tried, shall have full power and authority to transport such felon or felons for seven years, to such place and in such manner as other felons are directed to be transported by the laws and statutes of this realm.

Navigation to be exempted from taxes.

CV. And be it further enacted, That the said rates and duties shall at all times hereafter be exempted from the payment of any taxes, rates, assessments, or impositions whatsoever; any law or statute to the contrary notwithstanding.

CVI. And

CVI. And be it further enacted, That all orders and proceedings of the said trustees shall be entered in a book or books to be kept for that purpose; and such orders and proceedings, when entered, shall be signed by the said trustees, or any five or more of them; and the clerk or clerks attending the said trustees is and are hereby required to set his or their name or names as a witness or witnesses thereto; and the said orders and proceedings, so signed and attested, shall be deemed and taken to be originals, and shall be admitted as evidence in all courts whatsoever; and such book or books shall be seen and perused at all reasonable times; and copies thereof, or any part thereof, may be taken by any person or persons whomsoever, paying to the said clerk or clerks six pence for every one hundred words.

Proceedings to be entered in books.

CVII. Provided always, That no warrant, mortgage, assignment, transfer, or any other writing whatsoever, in pursuance of, or relating to, the execution of any of the powers of this act, shall be subject to any stamp duty whatsoever.

Writings to be without stamps.

CVIII. Provided always, and be it further enacted, That it shall and may be lawful for the owners and occupiers of any lands or tenements adjoining to the said river or streams, or cuts or canals, or any of them, to use any pleasure-boat or boats upon the same, without the hindrance or interruption of the said trustees, or any of them, and without paying any of the rates and duties aforesaid; so as such pleasure-boat or boats is or are not used for carrying goods, wares, or merchandizes, and so as such pleasure-boat do not pass through any of the places for the passing whereof any rates and duties are herein before directed to be paid; and that the lord or lords of the respective manors, or any other persons whomsoever, shall have full liberty to fish, fowl, and exercise all other royalties on the said river and navigable passages to which they are now legally intitled; any thing herein contained to the contrary notwithstanding; so that the exercise of such rights and royalties shall not interfere with or interrupt the execution of this act, or the free use of the said navigation.

Pleasure-boats not to be taxed, &c.

Lords of manors may fish, fowl, &c. as heretofore.

CIX. And be it further enacted, That if any workman, or other person or persons, navigating or working, or being on board any boat, barge, lighter, or other vessel, within the limits of the said navigation (not being duly qualified by the several laws and statutes relating to game) shall carry with him or them, or have on board any boat, barge, lighter, or other vessel, any fishing-net, gun, engine, or other instrument, with an intention to take, kill, or destroy, the fish or game in or upon the said river or streams, or cuts or canals, or any of the lands adjacent thereto; such person or persons being thereof lawfully convicted by his own confession, or upon the oath of one or more credible witnesses or witnesses, before one or more justice or justices of the peace in and for either of the said counties of *Hertford, Essex, and Middlesex*, shall, for every such offence, forfeit and pay the sum of twenty shillings, over and above the penalties such person or persons may be otherwise subject to by the

Persons navigating or being on board, having nets, &c. not being qualified, to forfeit 20s.

acts for the preservation of game and fish; to be levied by distress and sale of the offender's goods and chattles, by warrant under the hand and seal of such justice or justices; one moiety of which forfeiture shall be paid to the informer, and the other moiety to the poor of the parish or place where such offender shall be convicted; and for want of sufficient distress, the offender shall, by like warrant of such justice or justices, be committed to the house of correction, there to be kept to hard labour for any time not exceeding one month, nor less than ten days.

For punish-
ing persons
throwing bal-
last, &c. into
the river.

CX. And be it further enacted, That if any person or persons shall wilfully throw any ballast, gravel, stones, rubbish, or dirt, into any part of the said river, or cuts or canals used or intended to be used for navigation, with intent to prejudice the same; every person so offending, and being convicted thereof before any justice of the peace for either of the said counties of *Hertford, Essex, or Middlesex*, upon the oath of one or more witness or witnesses, shall, by warrant of the said justice, be sent to the house of correction, there to be kept to hard labour for such time as such justice of the peace shall direct, not exceeding three months.

Lords of ma-
nors or land
owners may
build ware-
houses, &c.

CXI. Provided also, and be it further enacted, That nothing in this act contained shall be construed to obstruct or hinder the lord or lords of the manor or manors, or the owner or owners of any lands or grounds lying upon or near the banks of the said river, or of any lands or grounds through which the said cuts shall be made, from making or erecting any warehouses, weigh-beams, cranes, quays, landing-places, or wharfs, upon the banks of the said river or cuts, in and upon their own lands, wastes, or grounds, so that the erecting or using such warehouses, cranes, or wharfs, do not obstruct or prejudice the said navigation, or any of the powers given by this act.

Saving of
rights of the
mayor, com-
monalty, and
citizens of
London.

CXII. Saving and reserving at all times hereafter unto the mayor, commonalty, and citizens of *London*, all their rights and privileges which by any law, usage, or custom, they have at any time heretofore held, had, or enjoyed, or now hold, have, or enjoy, in or upon the said river, or any part thereof, except their jurisdiction by virtue of the said recited act of the thirteenth year of the reign of Queen *Elizabeth*; and also saving and reserving at all times hereafter unto all persons whatsoever their several just rights and privileges, which by law they have at any time heretofore had, held, or enjoyed, or now hold, have, or enjoy, in, over, or upon the said river *Lee*, or any part thereof, so as the same are not repugnant to any powers granted for the execution of this act.

Warrants ex-
ecuted by con-
stable, &c.

CXIII. And be it further enacted, That all and every warrant or warrants, that shall and may be granted by any person or persons enabled or empowered to grant the same under or by virtue of this act, shall and may be directed to the constable, headborough, or other peace officer of the county, liberty, or place, wherein the offender or offenders shall live, reside, inha-
bit,

bit, or be; which constable, headborough, or other officer, is hereby authorized and required to execute the same.

CXIV. And be it further enacted, That where any distress shall be made for any sum or sums of money to be levied, by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers on account of any defect or for want of form in the summons, conviction, warrant of distress, or other proceeding thereon; nor shall the party or parties distraining be deemed a trespasser or trespassers on account of any irregularity which shall be afterwards committed by the party or parties distraining, but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action upon the case.

Distress not to be deemed unlawful for want of form;

nor the party distraining be deemed a trespasser *ab initio*.

CXV. Provided always, That no plaintiff or plaintiffs shall recover in any action for any such irregularity as aforesaid, if tender of amends hath been made by or in behalf of the party distraining before such action brought.

Plaintiff not to recover, if tender of amends hath been made.

CXVI. And be it further enacted, That if any action, suit, or information, shall be brought or commenced against any person or persons for any thing done in pursuance of this act, every such action, suit, or information shall be commenced within six months next after the fact committed, and not afterwards, and shall be laid or brought in the counties of *Hertford, Essex, or Middlesex*, and not elsewhere; and the person or persons so sued or prosecuted may plead the General Issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place than as aforesaid, then and in every such case the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if, in any such action, suit, or information, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

Limitation of actions.

General Issue.

Double costs.

CXVII. And be it further enacted, That this act shall be deemed, adjudged and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. LII.

An act for erecting a proper and convenient pier at the port of Saint Ives in the county of Cornwall, for the better protection of ships and vessels resorting to the said port.

Preamble. Trustees. First meeting of trustees. Trustees to remove obstructions. Trustees to agree with workmen for building a pier at the harbour of St. Ives. Trustees may purchase buildings, &c. Bodies politick,

tick, &c. may contract for the sale of lands. Feoffees, &c. indemnified. The damage and recompence to be settled by a jury. Sheriff may impanel a jury. Juries may be challenged. Complaint to be made within 3 months. Docks, &c. vested in trustees; who may lease out the same for 21 years. And shall settle the demands to be taken for wharfs, &c. by their tenants and lessees. Lessees demanding more how to be punished. No person shall empty any ballast, &c. in the said port and harbour, on pain of forfeiting 40 s. to be levied by distress and sale. Trustees may direct the mooring and ballasting of ships. Penalty on refusing to obey. Rates and duties. Proviso. Ballet's Cove exempted from duties. No ships to be cleared till duties paid. King's ships exempt. No rate to be collected till 2000l. are subscribed. If the pier, &c. is not completed in 3 years, rates to cease. Power of distress for nonpayment of rates. Persons eluding payment, to continue chargeable. Persons obstructing the measuring of ships, to be fined. Collectors to enter into and measure ships. How the duties of tonnage shall be ascertained. Trustees may borrow money. Assignments transferrable. Money may be raised by annuities at 8l. 10s. per cent. Annuities where payable. Names of purchasers of annuities to be entered in a book, &c. and the purchase money. Books to be inspected gratis. Method of ascertaining whether annuitants are alive. Annuities charged upon the duties. Annuities to be free from taxes. Purchaser to have a receipt, and an order for payment. Sum to be specified in the order. Annuities assignable. Entry to be made of all assignments. Annuitants to enter on them on default of payment. Notice to be given of borrowing money. Application of the money. Trustees to appoint proper officers, and to displace them. Trustees to take security from collectors, &c. Proceedings, &c. to be entered in a book. Books may be perused, and to be examined by the justices at their quarter sessions. On justices certificate that all charges are reimbursed, duties to cease. Writings to be without stamps. No trustee to have a place of profit. Trustees to defray their own expences. Penalties and forfeitures how to be recovered and applied. For want of distress, offender to be committed. Persons aggrieved may appeal to the quarter sessions. Distress to be kept 5 days, and may be redeemed within that time. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LIII.

An act for draining and preserving certain fen lands and low grounds lying in the fouth level, part of the great level of the fens commonly called Bedford Level, and in the county of Cambridge, between the river Cam, otherwife Grant, west, and the hard-lands of Bottisham, Swaffham-Bulbeck, and Swaffham-prior, east; and for empowering the governor, Bailiffs, and commonalty, of the company of conservators of the great level of the fens commonly called Bedford Level, to sell certain fen lands lying within the limits aforesaid, commonly called Invested Lands.

Preamble. Commissioners. First commissioners. Penalty on commissioners acting not qualified. Two meetings to be held in a year. Allowance to commissioners. Powers of draining. Satisfaction to be made for damages. Navigations not to be changed. Commissioners may appoint officers. Different taxes on lands of different value. Tax for the first 3 years. Gradual tax afterwards. Certain tax to be paid till debt reduced. Appointment of surveyors to class lands. Form of the oath. Exemption of high lands. Part of poor's commons to be taken in lieu of tax. Power of levying taxes. Inforcing payment of taxes. For levying taxes on untenanted premises. For sale of lands for taxes. For giving notice to owners of lands to be sold. Proviso. Notice of sale. Power to borrow money. Security. Securities transferrable. Penalty on persons destroying banks, &c. Restraining the erecting of engines for throwing water into Reach Old Load, or Burwell or Wicken fens. Commissioners to make and keep up a partition bank on the south-west side of Reach Old Load. To prevent carting on banks, &c. Owners to scour ditches. For inspecting accounts. For destroying moles. For destroying plantations near mills. For making saunches. Allowing mills with consent of commissioners. To limit the digging

ing of turf. Tolls on navigation on the loads. Certain goods liable to half toll. Tolls may be lessened. For setting up staunches. Toll on river bank. Commissioners to compound. To let tolls. Appointing fen reeves. Power of fen reeves. Fen reeves to account. Preserving rights of the corporation of Bedford Level. Acts for Bedford Level recited. For selling invested lands. Not to discharge invested lands from taxes after sale, Justices may administer oaths. Limitation of actions. General Issue. Treble costs. Publick Act.

C A P. LIV.

An act for granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty seven; and for further appropriating the supplies granted in this session of parliament; for carrying to the aggregate fund a sum of money which hath arisen by the two seventh excise; for empowering his Majesty, with the advice of his privy council, to permit the importation of any sort of corn or grain, duty-free into this kingdom, for a longer time than is permitted by any act of this session of parliament; and for obviating doubts in relation to the meeting of commissioners for putting in execution an act of this session, for granting an aid to his Majesty by a land tax.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons **Preamble.**
of Great Britain in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as shall from time to time be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund*, after paying, or reserving sufficient to pay, all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same, there shall and may be issued and applied, for and towards making good the supply granted to his Majesty for the service of the year one thousand seven hundred and sixty seven, a sum not exceeding two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

2,010,127 l.
10 s. 3 d. 2 q.
granted out of
the sinking
fund, for the
service of the
current year;

to be issued by
the treasury
accordingly.

II. And it is hereby enacted by the authority aforesaid, That Treasury impowered to

raise the said sum, or any part thereof, by loans or exchequer bills, on the credit of the sinking fund;

in case the said commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, shall think it adviseable to raise the said sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny, or any part thereof, by loans or exchequer bills, in manner herein after-mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny, upon the credit of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, and to have and receive interest for the forbearance of the money lent; so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now or for the time being, or the high treasurer for the time being, who are or is hereby authorized to issue his or their warrants for that purpose, as such loans shall be wanted for the publick service; and moreover, that no money to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

and to strike tallies of loan, with orders for repayment of the money so advanced; the interest thereof to be paid quarterly. Orders to be registered in course.

III. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally; in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent, shall be registered in course, according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, and overplus monies, or other revenues; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of, or for, the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than

No undue preference to be given in payment,

than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid) and that no fee, nor fee to be reward, or gratuity, directly or indirectly, shall be demanded or taken; taken of any of his Majesty's subjects, for providing or making of any such books or registers, or any entries, views, or searches, in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party on forfeiture of treble damages, with full costs. griev'd, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also: and if any undue preference of one before Penalty of undue preference in point of registry or another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers; then the party offending shall be liable, by action of debt, or on the case, to pay the value of the debt, with full payment; costs of suit, to the party griev'd, and shall be forejudged of his place or office; and if any such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place: and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed; then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no esoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed. to be recovered in any of the courts of record at Westminster.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day. No undue preference, which of the tallies or orders brought the same day, are entered first;

V. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders, to persons that come and demand their monies, and bring their orders, before other persons that did not come and take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them. nor if subsequent orders are paid before others not brought in course; so as money be reserved for the precedent orders.

VI. And be it further enacted, That all and every person and persons

Power of assignment, and method of transferring of orders.

persons to whom any money shall be due for loans to be registered by virtue of this act, after order entered in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall, upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who hath or have made such assignment, to make void, release, or discharge the same, or any monies thereby due, or any part thereof.

If it shall be judged more adviseable, the treasury may raise the said sum by exchequer bills, instead of loans.

VII. *And to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after-mentioned, or by both or either of those ways or means, for the publick service;* be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now or for the time being, or the high treasurer for the time being, shall judge it more adviseable to raise the said sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny, or any part thereof, by exchequer bills, instead of such loans as aforesaid; that then he or they respectively is or are hereby authorized and impowered, at any time or times, to prepare and make, or cause to be prepared and made, at the exchequer, any number of new exchequer bills, for any sum or sums of money, not exceeding in the whole the said sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny, together with such loans aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven*, are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

All advantages and penalties in the malt act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act) shall be applied

applied and extended to the exchequer bills to be paid in pursuance of this act, as fully and effectually, to all intents and purposes, as if the said exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this present act.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills, which shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending, the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of, the growing produce of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

X. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money, not exceeding in the whole the sum of two millions ten thousand one hundred twenty one pounds, ten shillings, and three pence halfpenny; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors; for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France; to the contrary thereof in any wise notwithstanding.*

XI. And be it further enacted by the authority aforesaid, That the sum of four hundred sixty nine thousand one hundred forty seven pounds, fourteen shillings, and one halfpenny, remaining in the receipt of the exchequer, on the fifth day of *April*, one thousand seven hundred and sixty seven, for the disposition of parliament, of the monies which had then arisen of the surplusses, excesses, or overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund*; and the sum of thirty five thousand two hundred and two pounds, nine shillings, and two pence, also remaining in the receipt of the exchequer, for the disposition of parliament; and also a sum not exceeding one hundred and eighty one thousand pounds, of the monies agreed to be paid by a convention between his Majesty

The said exchequer bills, interest, and charges, are to be paid out of the sinking fund.

Bank authorized to lend the said sum,

notwithstanding act 5 & 6 Will. & Mary.

The following sums remaining in the exchequer for the disposition of parliament; viz. 469,147 l. 14 s. 2 q. surplus of the sinking fund; and 35,202 l. 9 s. 2 d. 187,000 l. payable for maintenance of the

French prisoners; and the *French King*, concluded and signed at *London* the twenty-seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war;

also 150,000l. granted in the last session for pay and cloathing of the militia; and produce of the duties on gum Senega and gum Arabic;

to be issued towards making good the said supply.

261,571l. 13s. 3d. 1q. savings arising upon former grants, &c. received of the earl of Chatham,

to be applied towards defraying the extraordinary expences of the land forces, &c. incurred and not provided for;

together with the sum of 7,844l. 17s. 9d. remaining in the hands of E. Sainthill Esq;

and the *French King*, concluded and signed at *London* the twenty-seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war; and also the sum of one hundred and fifty thousand pounds, remaining in the receipt of the exchequer, which was granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty six; and also such of the monies as shall be paid into the receipt of the exchequer after the fifth day of *April*, one thousand seven hundred and sixty seven, and on or before the fifth day of *April*, one thousand seven hundred and sixty eight, of the produce of the duties charged by an act of parliament made in the fifth year of his present Majesty's reign, upon the importation and exportation of gum *Senega* and gum *Arabic*; shall and may be issued and applied at the said receipt, for and towards making good the said supply; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to issue and apply the same accordingly.

XII. And be it further enacted, That a sum not exceeding two hundred sixty one thousand five hundred seventy one pounds, thirteen shillings, and three pence farthing, out of the savings arising upon grants for the pay of several regiments upon respited pay by off-reckonings, and by stoppages made for provisions delivered to the forces in *North America*, the *West Indies*, and at *Minorca*, to the twenty fourth day of *December*, one thousand seven hundred and sixty four, and received of *William* earl of *Chatham*, formerly paymaster general of his Majesty's forces, for the balance remaining, over and above the monies found necessary to be applied for defraying the expences of the forces in former years; and also out of the sum of one million granted in the second year of his Majesty's reign, on account, to enable him to defray extraordinary expences of the war, for the service of the year one thousand seven hundred and sixty two, and to assist the kingdom of *Portugal*, and for other purposes; be applied towards making good the supply granted to his Majesty, towards defraying the extraordinary expences of his Majesty's land forces, and other services incurred to the third day of *February*, one thousand seven hundred and sixty seven, and not provided for by parliament; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to issue and apply the same accordingly.

XIII. And be it further enacted by the authority aforesaid, That out of such monies remaining in the hands of *Edward* *Sainthill* Esquire, as were issued to him for the relief and maintenance of the widows of officers of the land forces and marines, who died in the service, the sum of seven thousand eight hundred forty four pounds, seventeen shillings, and nine pence, be paid

paid into the hands of the paymaster general of his Majesty's forces, and be also applied towards making good the supply granted to his Majesty towards defraying the extraordinary expences of his Majesty's land forces, and other services incurred to the third day of *February*, one thousand seven hundred and sixty seven, and not provided for by parliament; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

XIV. And be it further enacted by the authority aforesaid, That a sum not exceeding one hundred and ten thousand pounds, out of such monies as shall be paid into the receipt of the exchequer after the fifth day of *April*, one thousand seven hundred and sixty seven, and on or before the fifth day of *April*, one thousand seven hundred and sixty eight, of the produce of all or any of the duties and revenues which by any former act or acts of parliament, have been directed to be reserved for the disposition of parliament, towards defraying the necessary expences of defending, protecting, and securing the *British* colonies and plantations in *America*, be applied towards making good such part of the supply as hath been granted to his Majesty, for maintaining his Majesty's forces and garrisons in the plantations, and for provisions for the forces in *North America*, *Nova Scotia*, *Newfoundland*, and the ceded islands, for the year one thousand seven hundred and sixty seven; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

110,000*l.* out of such monies as shall be paid into the exchequer between 5 April, 1767, and 5 April, 1768, produce of the revenues reserved for the disposition of parliament, towards the charge of defending the colonies in *America*, to be applied accordingly.

XV. Provided always, and it is hereby enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty seven*; and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills, made or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty seven*; and so much money, if any such be, of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges allowable thereby for raising the said land tax, shall be satisfied, or money sufficient

Appropriation of the supplies.

The monies arising by the malt tax,

Land tax,

Loans,

Lottery, &c.

and other
sums remain-
ing in the ex-
chequer, &c.
together with
the several
sums before
granted and
specified,

with the resi-
due of the
monies aris-
ing from the
sale of French
prizes taken
before the de-
claration of
war;

sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also the sum of one million eight hundred thousand pounds granted by one other act of this session of parliament, intituled, *An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty seven*; and also all the monies coming into the exchequer by contributions for annuities and a lottery, granted by one other act of this session of parliament, intituled, *An act for raising the sum of one million five hundred thousand pounds by way of annuities, and a lottery attended with annuities, to be charged on the Sinking Fund*; and also the said sum of four hundred sixty nine thousand one hundred forty seven pounds, fourteen shillings, and one halfpenny, remaining in the receipt of the exchequer on the fifth day of *April*, one thousand seven hundred and sixty seven, for the disposition of parliament, of the monies which had then arisen of the surplusses, excesses, or overplus monies, and other revenues composing the fund commonly called *The Sinking Fund*; and also the said sum of thirty five thousand two hundred and two pounds, nine shillings, and two pence, also remaining in the receipt of the exchequer for the disposition of parliament; and also the said sum not exceeding one hundred and eighty one thousand pounds, of the monies agreed to be paid by a convention between his Majesty and the *French King*, concluded and signed at *London* the twenty seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war; and also the said sum of one hundred and fifty thousand pounds, remaining in the receipt of exchequer, which was granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty six; and also such of the monies as shall be paid into the receipt of the exchequer after the fifth day of *April*, one thousand seven hundred and sixty seven, and on or before the fifth day of *April*, one thousand seven hundred and sixty eight, of the produce of the duties charged by an act of parliament made in the fifth year of his present Majesty's reign, upon the importation and exportation of gum *Senega* and gum *Arabic*; and also the further sum of two millions ten thousand one hundred and twenty one pounds, ten shillings, and three pence halfpenny, by this act granted, out of such monies as shall or may arise of the surplusses, excesses, or overplus monies, and other revenues, composing the fund commonly called the *Sinking Fund*, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several uses and purposes herein after expressed, together with the residue of the monies arising from the sale of *French* prizes taken before the declaration of the late war, which his Majesty declared in a most gracious speech to his parliament, that he had directed, for the ease of his subjects, to be applied to the publick service; and also such sum or sums of money as his Majesty,

Majesty, according to his most gracious intentions expressed in the same speech, shall direct, for the further ease of his subjects, to be also applied to the publick service, out of the monies which have arisen, or shall arise, by the sale of lands belonging to his Majesty in the islands of the *West Indies*, which were ceded to his Majesty by the late treaty of peace.

and such sums as shall arise by sale of lands in the ceded islands;

XVI. And it is hereby enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied the sum of forty thousand pounds for the marriage portion of the Queen of *Denmark*, one of his Majesty's sisters.

viz. out of the aforesaid aids, 40,000l. to be applied for the marriage portion of the Q. of Denmark.

XVII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million five hundred thirty nine thousand three hundred twenty one pounds, four shillings, and eight pence, for or towards the naval services herein particularly expressed (that is to say) for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half pay to sea and marine officers; and for or towards maintaining four thousand two hundred and eighty seven marines; and for or towards the buildings, rebuildings, and repairs of ships of war in his Majesty's yards, and other extra works over and above what may be done upon the heads of wear and tear, and ordinary, for the year one thousand seven hundred and sixty seven.

1,539,321l. 4s. 8d. towards naval services hereinafter specified.

XVIII. And it is hereby also enacted by the authority aforesaid, That out of all or any of the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding thirty thousand pounds, for purchasing a quantity of hemp to replenish his Majesty's magazines.

30,000l. for hemp to replenish the King's magazines.

XIX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three hundred thousand pounds, towards paying off and discharging the debt of the navy.

300,000l. towards paying off the debt of the navy.

XX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred sixty nine thousand six hundred pounds, and two pence, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and sixty seven.

169,600l. 2d. for the office of ordnance.

XXI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding fifty one thousand one hundred ninety pounds, six shillings and six pence, for defraying the expence of services provided for.

51,190l. 6s. 6d. to the said office, for services performed in 1766, not provided for.

performed by the office of ordnance for land service, and not provided for by parliament in one thousand seven hundred and sixty six.

1,106,156l.
2s. 10d. and
seven eighths
of 1d. towards
the land for-
ces, and other
services in
general;

of which,
593,986l. 7s.
7d. for guards
and garrisons
in Great Bri-
tain, Guern-
sey, and Jer-
sey;

895,607. 2s.
11d. and five
eighth parts of
1d. for guards
and garrisons
in the planta-
tions, and A-
frica, Minor-
ca, and Gibrat-
tar, &c. and
provisions
for the forces
abroad;

7,201l. 14s.
7d. to make
good the dif-
ference of pay
between the
British and
Irish establish-
ment, of
troops in the
Isle of Man,
Gibraltar, Mi-
norca, and
ceded islands;

12,203l. 18s.
6d. 2q. for
general and
general staff
officers;

135,299l. 8s.
4d. to the re-
duced officers
of the land
forces and
marines;

2,103l. 11s.
8d. to the 2
troops of H.
guards and

XXII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money
not exceeding one million two hundred and six thousand one
hundred fifty six pounds, two shillings, and ten pence, and seven
eighth parts of a penny, for and towards maintaining his Ma-
jesty's land forces, and other services herein after more particu-
larly expressed; that is to say, any sum or sums of money not ex-
ceeding five hundred ninety three thousand nine hundred eighty
six pounds fifteen shillings, and seven pence, for defraying the
charge of sixteen thousand seven hundred and fifty four effective
men, commissioned and non-commissioned officers, included,
and including two thousand four hundred and sixty one in-
valids, for guards, garrisons, and other his Majesty's land
forces in *Great Britain, Guernsey, and Jersey*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding two hundred ninety five thousand six
hundred and seven pounds, two shillings, and eleven pence,
and five eighth parts of a penny, towards maintaining his Ma-
jesty's forces and garrisons in the plantations, and *Africa* in-
cluding those in garrison at *Minorca and Gibraltar*, and for pro-
visions for the forces in *North America, Nova Scotia, Newfound-
land, Gibraltar*, the ceded islands, and *Africa*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding seven thousand two hundred and one
pounds, fourteen shillings, and seven pence, for defraying the
charge of the difference of pay between the *British and Irish* es-
tablishment of six regiments of foot, serving in the *Isle of Man*, at
Gibraltar, Minorca, and the ceded islands, for the year one thou-
sand seven hundred and sixty seven; and any sum or sums of mo-
ney not exceeding twelvethousand two hundred and three pounds,
eighteen shillings, and six pence halfpenny, for the pay of the ge-
neral and general staff officers in *Great Britain*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding one hundred thirty five thousand two
hundred ninety nine pounds, eight shillings, and four pence,
upon account of the reduced officers of his Majesty's land forces
and marines, for the year one thousand seven hundred and
sixty seven; and any sum or sums of money not exceeding two
thousand one hundred and three pounds, eleven shillings, and
eight pence, for defraying the charge for allowances to the se-
veral officers and private gentlemen of the two troops of horse
guards, and regiment of horse reduced, and to the superan-
nuated gentlemen of the four troops of horse guards, for the
year one thousand seven hundred and sixty seven; and any sum
or sums of money not exceeding five thousand six hundred
thirty three pounds, three shillings, and four pence, for de-
fraying the charge of full pay for three hundred and sixty five
days,

days, for the year one thousand seven hundred and sixty seven, to officers reduced, with the tenth company of several battalions reduced from ten to nine companies, and who remained on half-pay at the twenty fourth day of *December*, one thousand seven hundred and sixty five; and any sum or sums of not exceeding one thousand five hundred and thirty six pounds, for the paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding one hundred and six thousand and eighty three pounds, two shillings, and six pence, upon account, towards defraying the charge of out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding forty six thousand five hundred and one pounds, five shillings, and four pence three farthings, towards further defraying the extraordinary expences of his Majesty's land forces, and other services incurred to the third day of *February*, one thousand seven hundred and sixty seven, and not provided for by parliament.

pences of the land forces, and other services incurred, and not

XXIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied the sum of one million eight hundred thousand pounds, for paying off and discharging the exchequer bills made out by virtue of an act passed in the last session of parliament, intituled, *An act for raising a certain sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty six*, and charged upon the first

XXIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied the sum of twelve thousand nine hundred and fifty one pounds, two shillings, and two pence, to make good to his Majesty the like sum: which has been issued by his Majesty's orders, in pursuance of the addresses of the house of commons.

XXV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding four thousand eight hundred and sixty six pounds, three shillings, and five pence, upon account, for maintaining and supporting the civil establishment of *Nova Scotia*, for the the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding six hundred ninety one pounds, and eight shillings, upon account of sundry expences, for the service of *Nova Scotia*, in the year one thousand seven hundred and sixty, and not provided for by parliament; and any sum or sums of money, not exceeding three thousand nine hundred and eighty six pounds, upon account, for defraying the

regiment of horse reduced; and to the superannuated gentlemen of the 4 troops of H. guards. 5,633l. 3s. 4d. for reduced officers, with the 10th company of battalions reduced.

1,536l. to the pensions of officers widows; 106,083l. 2s. 6d. to the out-pensioners of Chelsea hospital;

46,501l. 5s. 4d. 3q. extraordinary expences provided for,

1,800,000l. towards paying off exchequer bills issued pursuant to an act of the last session;

12,951l. 2s. 2d. to make good to his Majesty the like sum issued pursuant to the addresses of the house of commons.

4,866l. 3s. 5d. for supporting for civil establishment of *Nova Scotia*; 652l. 8s. for sundry expences incurred there in 1767, not provided for;

3,986l. for the civil establishment of *Georgia*;

performed by the office of ordnance for land service, and not provided for by parliament in one thousand seven hundred and sixty six.

1,806,156l.
2s. 10d. and
seven eighths
of 1d. towards
the land for-
ces, and other
services in
general;

of which,
593,986l. 15s.
7d. for guards
and garrisons
in Great Bri-
tain, Guern-
sey, and Jer-
sey;

895,607. 2s.
11d. and five
eighth parts of
1d. for guards
and garrisons
in the planta-
tions, and A-
frica, Minora-
ca, and Gibralt-
ar, &c. and
provisions
for the forces
abroad;

7,201l. 14s.
7d. to make
good the dif-
ference of pay
between the
British and
Irish establish-
ment, of
troops in the
Isle of Man,
Gibraltar, Mi-
norca, and
ceded islands;

12,203l. 18s.
6d. 2q. for
general and
general staff
officers;

135,299l. 8s.
4d. to the re-
duced officers
of the land
forces and
marines;

2,103l. 11s.
8d. to the 2
troops of H.
guards and

XXII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies aforesaid, there
shall and may be issued and applied any sum or sums of money
not exceeding one million two hundred and six thousand one
hundred fifty six pounds, two shillings, and ten pence, and seven
eighth parts of a penny, for and towards maintaining his Ma-
jesty's land forces, and other services herein after more particu-
larly expressed; that is to say, any sum or sums of money not ex-
ceeding five hundred ninety three thousand nine hundred eighty
six pounds fifteen shillings, and seven pence, for defraying the
charge of sixteen thousand seven hundred and fifty four effective
men, commissioned and non-commissioned officers, included,
and including two thousand four hundred and sixty one in-
valids, for guards, garrisons, and other his Majesty's land
forces in *Great Britain, Guernsey, and Jersey*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding two hundred ninety five thousand six
hundred and seven pounds, two shillings, and eleven pence,
and five eighth parts of a penny, towards maintaining his Ma-
jesty's forces and garrisons in the plantations, and *Africa* in-
cluding those in garrison at *Minorca and Gibraltar*, and for pro-
visions for the forces in *North America, Nova Scotia, Newfound-
land, Gibraltar*, the ceded islands, and *Africa*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding seven thousand two hundred and one
pounds, fourteen shillings, and seven pence, for defraying the
charge of the difference of pay between the *British and Irish* es-
tablishment of six regiments of foot, serving in the *Isle of Man, at
Gibraltar, Minorca*, and the ceded islands, for the year one thou-
sand seven hundred and sixty seven; and any sum or sums of mo-
ney not exceeding twelve thousand two hundred and three pounds,
eighteen shillings, and six pence halfpenny, for the pay of the ge-
neral and general staff officers in *Great Britain*, for the year one
thousand seven hundred and sixty seven; and any sum or sums
of money not exceeding one hundred thirty five thousand two
hundred ninety nine pounds, eight shillings, and four pence,
upon account of the reduced officers of his Majesty's land forces
and marines, for the year one thousand seven hundred and
sixty seven; and any sum or sums of money not exceeding two
thousand one hundred and three pounds, eleven shillings, and
eight pence, for defraying the charge for allowances to the se-
veral officers and private gentlemen of the two troops of horse
guards, and regiment of horse reduced, and to the superan-
nuated gentlemen of the four troops of horse guards, for the
year one thousand seven hundred and sixty seven; and any sum
or sums of money not exceeding five thousand six hundred
thirty three pounds, three shillings, and four pence, for de-
fraying the charge of full pay for three hundred and sixty five
days,

days, for the year one thousand seven hundred and sixty seven, to officers reduced, with the tenth company of several battalions reduced from ten to nine companies, and who remained on half-pay at the twenty fourth day of *December*, one thousand seven hundred and sixty five; and any sum or sums of money not exceeding one thousand five hundred and thirty six pounds, for the paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding one hundred and six thousand and eighty three pounds, two shillings, and six pence, upon account, towards defraying the charge of out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding forty six thousand five hundred and one pounds, five shillings, and four pence three farthings, towards further defraying the extraordinary expences of his Majesty's land forces, and other services incurred to the third day of *February*, one thousand seven hundred and sixty seven, and not provided for by parliament.

pences of the land forces, and other services incurred, and not

XXIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied the sum of one million eight hundred thousand pounds, for paying off and discharging the exchequer bills made out by virtue of an act passed in the last session of parliament, intituled, *An act for raising a certain sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty six*, and charged upon the first aids to be granted in this session of parliament.

XXIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied the sum of twelve thousand nine hundred and fifty one pounds, two shillings, and two pence, to make good to his Majesty the like sum which has been issued by his Majesty's orders, in pursuance of the addresses of the house of commons.

XXV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding four thousand eight hundred and sixty six pounds, three shillings, and five pence, upon account, for maintaining and supporting the civil establishment of *Nova Scotia*, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding six hundred ninety one pounds, and eight shillings, upon account of sundry expences, for the service of *Nova Scotia*, in the year one thousand seven hundred and sixty, and not provided for by parliament; and any sum or sums of money, not exceeding three thousand nine hundred and eighty six pounds, upon account, for defraying the

regiment of horse reduced; and to the superannuated gentlemen of the 4 troops of H. guards.

5,633l. 18. 4d. for reduced officers, with the 10th company of battalions reduced.

1,536l. to the pensions of officers widows;

106,083l. 28. 6d. to the out-pensioners of Chelsea hospital;

46,501l. 58. 4d. 3q. extraordinary expences provided for,

1,800,000l. towards paying off exchequer bills issued pursuant to an act of the last session;

12,951l. 28. 2d. to make good to his Majesty the like sum issued pursuant to the addresses of the house of commons.

4,866l. 38. 9d. for supporting for civil establishment of *Nova Scotia*;

652l. 88. for sundry expences incurred there in 1767, not provided for;

3,986l. for the civil establishment of *Georgia*;

- charges of the civil establishment of his Majesty's colony of *Georgia*, and other incidental expences attending the same, from the twenty fourth day of *June*, one thousand seven hundred and sixty six, to the twenty fourth day of *June*, one thousand seven hundred and sixty seven; and any sum or sums of money, not exceeding four thousand seven hundred and fifty pounds, upon account, for defraying the charge of the civil establishment of his Majesty's colony of *East Florida*, and other incidental expences attending the same, from the twenty fourth day of *June*, one thousand seven hundred and sixty six, to the twenty fourth day of *June*, one thousand seven hundred and sixty seven; and any sum or sums of money, not exceeding four thousand eight hundred pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *West Florida*, and other incidental expences attending the same, from the twenty fourth of *June*, one thousand seven hundred and sixty six, to the twenty fourth day of *June*, one thousand seven hundred and sixty seven; and any sum or sums of money, not exceeding one thousand six hundred and one pounds, fourteen shillings, upon account, for defraying the expence attending general surveys of his Majesty's dominions in *North America*, for the year one thousand seven hundred and sixty seven; and any further sum or sums of money, not exceeding two thousand pounds, the better to enable his Majesty to defray the contingent expences of the forces serving in *North America*.
- 4,750l. for the civil establishment of *East Florida*;
- 4,800l. for the civil establishment of *West Florida*;
- 1,601. 14s. towards expence of general surveys in *America*;
- 2,000l. contingent expences of the forces in *North America*.
- 13,000l. for the forts and settlements in *Africa*, under direction of the *African* company;
- 5,550l. charges of the civil establishment of *Senegambia*;
- 3,500l. on account of the establishment of *Senegal* and its dependencies.
- XXVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding thirteen thousand pounds, to be employed in maintaining and supporting the *British* forts and settlements on the coast of *Africa*, under the direction of the committee of merchants trading to *Africa*; and any sum or sums of money, not exceeding five thousand five hundred and fifty pounds, upon account, for defraying the charges of the civil establishment of his Majesty's government of *Senegambia*, for the year one thousand seven hundred and sixty seven; and any sum or sums of money not exceeding three thousand five hundred pounds, upon account, towards satisfying the expences incurred by the committee of the company of merchants trading to *Africa*, on account of the establishment of *Senegal* and its dependencies, after the twenty ninth day of *October*, one thousand seven hundred and sixty five.
- 13,000l. to the Foundling Hospital;
- XXVII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding twenty eight thousand pounds, upon account, towards enabling the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, to maintain and educate such children as were received into the said hospital on or before the twenty fifth day

of *March*, one thousand seven hundred and sixty, from the thirty first day of *December*, one thousand seven hundred and sixty six, exclusive, to the thirty first day of *December*, one thousand seven hundred and sixty seven, inclusive; and that the said sum be issued and paid for the use of the said hospital, without fee or reward, or any deduction whatsoever; and any sum or sums of money, not exceeding one thousand five hundred pounds, upon account, to enable the governors and guardians of the said hospital to put out apprentice such children as were received into the said hospital on or before the twenty fifth day of *March*, one thousand seven hundred and sixty; so as the said governors and guardians do not give with any one child more than the sum of seven pounds; which said sum shall be also issued and paid without any fee, reward, or deduction whatsoever.

and 1,500l. towards apprenticing children from thence; but not more than 7l. to be given with any one child; and both sums to be issued without fee.

XXVIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven hundred pounds, to enable his Majesty to make compensation to doctor *Peter Swinton*, for the damage done to the estate of the said doctor *Swinton*, in the city of *Chester*, at the time of the late rebellion, by order of the officer commanding the garrison of the said city.

700l. as a compensation to Dr. Swinton for damage done to his estate at the time of the late rebellion.

XXIX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding forty nine thousand six hundred and sixty pounds, nine shillings, and two pence halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty six, of the several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, which were made a fund by an act of the thirty first year of the reign of his late Majesty for paying annuities in respect of five millions borrowed towards the supply granted for the service of the year one thousand seven hundred and fifty eight; and any sum or sums of money, not exceeding twelve thousand seven hundred fifty eight pounds, thirteen shillings, and seven pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the tenth day of *October*, one thousand seven hundred and sixty six, of several additional duties upon wines imported into this kingdom; and certain duties upon cyder and perry which were made a fund for paying annuities in respect of three millions five hundred thousand pounds, borrowed towards the supply granted for the service of the year one thousand seven hundred and sixty three; and any sum or sums of money, not exceeding one hundred and four thousand five hundred and six pounds, eleven shillings, and ten pence, to replace to the sinking fund the like sum issued thereout, to discharge for the year ended the twenty ninth day of *September*, one thousand seven hundred and sixty six, the annuities

49,660l. 9s. 3d. 2q. to replace to the sinking fund the deficiency of the duties on offices and pensions; and windows; 12,758l. 13s. 7d. to replace to the sinking fund the deficiency of the additional duties upon wines imported; and upon cyder and perry; 104,506l. 11s. 10d. to replace to the sinking fund the annuities granted in respect of certain navy

and victual-
ling bills, &c.
unredeemed;

1759. 18. 9d.
to replace
to the sinking
fund the
charges of
management
of the said
annuities;

1781. 17s.
7d. 3q. to re-
place to the
sinking fund
the monies
issued thereout
to discharge
certain an-
nuities, &c.

1799. 144l. 2s.
8d. to make
good the de-
ficiency of the
grants for the
last year.

These aids to
be applied to
no other uses.

Rules to be
observed in
the applica-
tion of the
half-pay,

nunities after the rate of four pounds *per centum*, attending such part of the joint stock established by an act made in the third year of the reign of his present Majesty in respect of certain navy, victualling, and transport bills, and ordnance debentures, as remained unredeemed on the said twenty ninth day *September*; and any sum or sums of money, not exceeding one thousand five hundred ninety two pounds, one shilling, and nine pence three farthings, to replace to the sinking fund the like sum issued thereout, for paying the charges of management of the annuities attending the said joint stock for one year, ended the twenty ninth day of *September*, one thousand seven hundred and sixty six; and any sum or sums of money, not exceeding eight thousand seven hundred and eight pounds, seventeen shillings, and seven pence three farthings, to replace to the sinking fund the like sum issued thereout, to discharge from the twenty ninth day of *September*; one thousand seven hundred and sixty six, to the twenty fifth day of *December* following, the annuities attending such part of the said joint stock as was redeemed in pursuance of an act made in the last session of parliament; and any sum or sums of money, not exceeding one hundred twenty nine thousand one hundred forty four pounds, two shillings, and eight pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and sixty six.

XXX. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies, or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XXXI. And, as to the said sum of one hundred thirty five thousand two hundred ninety nine pounds, eight shillings and four pence, by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same, who was a minor and under the age of sixteen years at the time when the regiment, troop, or company, in which he served was reduced; that no person shall have or receive any part of the same, except such person who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain or Ireland*, shall have or receive any part of the said half-pay, that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person, by virtue of any warrant or appointment, except to such persons as would have been otherwise intitled to the same,

as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXXII. *And whereas by an act of parliament made in the sixth year of his present Majesty's reign, intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty six; and for further appropriating the supplies granted in this session of parliament; the several supplies which had been granted to his present Majesty as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which any sum or sums of money, not exceeding one hundred thirty eight thousand six hundred and seventy four pounds, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty six; subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted, and declared, by the authority aforesaid,*

That so much of the said sum of one hundred thirty eight thousand six hundred and seventy four pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or have lost their limbs in the late wars, or such others as, by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

Rules to be observed in the application of the surplus of the several sums of 138,674. appropriated in 1766, to the payment of reduced officers.

XXXIII. *And be it further enacted by the authority aforesaid, That the sum of eighty four thousand six hundred and four pounds, three shillings, and three pence, remaining in the receipt of the exchequer, on the fifth day of April, one thousand seven hundred and sixty seven, of the two seventh parts of the additional rates and duties of excise granted by an act of parliament made in the fifth year of the reign of King William and Queen Mary, after satisfying the several charges and incumbrances thereupon for the half-year then ended, be carried to, and made part of, the fund commonly called *The Aggregate Fund*; and that such annuities and other demands, payable out of the said sum, as the growing produce of the two seventh parts of the said excise, shall not be sufficient to answer, shall be charged upon, and payable out of, the said fund, commonly called *The Aggregate Fund*; and the commissioners of the treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby empowered to authorize the payment, out of the said fund, of such monies as*

84,604. 3s. 3d. remaining in the exchequer, of the additional rates and duties of excise, to be carried to the sinking fund.

Where there shall be any deficiency of the annuities payable out of the said sum, it is to be paid out of the sinking fund.

shall

shall be necessary to make good any such deficiency or deficiencies.

Recital of clauses in several acts of this session relating to the free importation of corn, &c.

His Majesty impowered, during the next recess of parliament, by proclamation, or order in council, to permit the free importation of all or any the articles aforesaid from America till 1 Feb. 1768; and from any parts of Europe or Africa, till 30 days after the next session.

Due entries to be made of all corn, &c. so imported;

otherwise to pay duty.

XXXIV. *And whereas by an act passed in this present session of parliament, the free importation into Great Britain of wheat or wheat flour from any of his Majesty's colonies in America, by any of his Majesty's subjects, in any ship or vessel navigated according to law, is permitted until the first day of August, one thousand seven hundred and sixty seven; and by another act of the same session, the free importation of oats or oat-meal, rye or rye-meal, into this kingdom, by any person or persons, in any ship or vessel whatsoever, is permitted until the twenty ninth day of September, one thousand seven hundred and sixty seven; and by several other acts of the same session, the free importation into this kingdom of wheat or wheat flour, barley, barley-meal, pease, beans, tares, or callivancies, malt, bread, biscuit, and starch, from any part of Europe, by any person or persons, in any ship or vessel whatsoever, is permitted until the tenth day of September, one thousand seven hundred and sixty seven: and whereas it may, during the next recess of parliament, be expedient to permit the free importation of the several articles and things aforesaid, into this kingdom, beyond the respective times by the said acts of parliament limited for the free importation thereof; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, from time to time, during the said next recess, (whenever it shall appear expedient to his Majesty so to do) by his royal proclamation to be issued, by and with the advice of his privy council, or by his order in council, to be published in the *London Gazette*, to permit the free importation of all or any the articles or things aforesaid, from any parts or places in his Majesty's dominions in *America*, for any time or times until the first day of *February*, one thousand seven hundred and sixty eight; and also by his royal proclamation or order in council published as aforesaid, to permit the free importation of all or any the said articles and things, from any parts or places in *Europe* or *Africa*, for any time or times until twenty days after the commencement of the next session of parliament; and that all and every the said articles and things to be imported by virtue of, or under, such proclamations or orders, shall not be subject or liable to the payment of any subsidy, custom, duty, or imposition whatsoever; and may be allowed to be carried coastwise, under the same regulations as the like articles and things, being the growth of this kingdom; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.*

XXXV. *Provided always, and be it further enacted by the authority aforesaid, That due entries shall be made, in such manner and form as were used or practised before the commencement of this session of parliament, of all corn, grain, and other things, which shall be imported into this kingdom, by virtue of or under any such proclamation or order, at the custom house belonging to the ports of importation; or, in default thereof, the corn, grain, or other things, so imported, and whereof*

whereof such entries shall not be made, shall be subject and liable to such and the same duties as were payable upon the importation thereof before the commencement of this present session of parliament; any thing in this act to the contrary thereof notwithstanding.

XXXVI. *And whereas by an act of parliament made in this present session of parliament, intituled, An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty seven; the commissioners appointed for putting so much of the said act in execution as is thereby committed to their care and charge, were directed to meet upon or before the thirtieth day of April last: and whereas it may have happened that the said commissioners may not in some places have met upon or before the said thirtieth day of April last, in pursuance of such directions:* Now, in order to obviate and prevent any doubts that might arise thereupon, it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful for the said several commissioners who neglected to meet to put the said act in execution upon or before the thirtieth day of April last, and they are hereby authorized and required to meet, with all convenient speed, on such day or days as they shall think fit to appoint to put the said act into execution; and such meeting or meetings of the said commissioners, so to be had in pursuance of this act, and also all meetings which shall have been held by the said commissioners, after the said thirtieth day of April, and before the passing of this act, shall, to all intents and purposes, be as effectual for the putting the said act into execution, as if the same meeting or meetings had been held upon or before the thirtieth day of April last. those held after the said day, and before passing this act, are deemed legal

Land tax act of this session.
Where the commissioners have neglected to meet on or before 30 April to put the said act in execution, they are to meet for the purpose as soon as conveniently may be; and such meetings, and are valid.

C A P. LV.

An act for further continuing an act of the last session of parliament, intituled, An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

WHEREAS an act passed in the sixth year of his present Majesty's reign, intituled, An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters; which act was to continue and be in force, in all his Majesty's dominions in America, from the twenty fourth day of March, in the year one thousand seven hundred and sixty six, until the twenty fourth day of March, one thousand seven hundred and sixty eight; and whereas it has been found necessary that the said act should be continued for a further term;* May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the

Preamble, reciting clause in the American mutiny act of the last session.

The recited
act further
continued to
24 March,
1769.

the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same is hereby continued until the twenty fourth day of *March*, one thousand seven hundred and sixty nine.

C A P. LVI.

An act for taking off the inland duty of one shilling per pound weight upon all black and single teas consumed in Great Britain; and for granting a drawback upon the exportation of teas to Ireland, and the British dominions in America, for a limited time, upon such indemnification to be made in respect thereof by the East India company, as is therein mentioned; for permitting the exportation of teas in smaller quantities than one lot to Ireland, or the said dominions in America; and for preventing teas seized and condemned from being consumed in Great Britain.

Preamble, re-
citing clauses
in act 18 Geo.
2.

& 21 Geo. 2.

WHEREAS by an act of parliament made in the eighteenth year of the reign of his late majesty King George the second, intituled, An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another; an inland duty of one shilling per pound weight *contra-dupois*, and in that proportion for a greater or lesser quantity, was imposed and charged upon all tea to be sold in Great Britain; and also a further duty of twenty five pounds for every one hundred pounds of the gross price at which such teas should be sold at the publick sales of the united company of merchants of England trading to the East Indies, and proportionably for a greater or lesser sum; which duties were to commence from the twenty fourth day of June, one thousand seven hundred and forty five, over and above all customs, subsidies, and duties, payable to his Majesty for the same, upon importations thereof; to be paid in manner as in the said act is directed: and whereas by an act of parliament made in the twenty first year of his said late Majesty's reign, tea was allowed to be exported from this kingdom to Ireland, and his Majesty's plantations in America, without payment of the said inland duties: and whereas the taking off the said inland duty of one shilling per pound weight upon black and single teas, granted by the said act, and the allowing, upon the exportation of all teas which shall be exported to Ireland and his Majesty's plantations in America, the whole of the duty paid upon the importation thereof into this kingdom, appear to be the most probable and expedient means of extending the consumption of teas legally imported within this kingdom, and of encreasing the exportation of teas to Ireland, and his Majesty's plantations in America, which are now chiefly furnished by foreigners in a course of illicit trade: and whereas the united

pany of merchants of England trading to the East Indies are willing and desirous to indemnify the public, in such manner as is herein after provided, with respect to any diminution of the revenue which shall or may happen from this experiment: We, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for and during the space of five years, to be computed from the fifth day of July, one thousand seven hundred and sixty seven, the said inland duty of one shilling per pound weight upon teas, shall not be paid for or in respect of any bohea, congo, souchong, or pekoe teas, commonly called *Black Teas*, or any teas known by the denomination of *singo teas*, which shall be cleared for consumption within *Great Britain*, out of the warehouses of the united company of merchants of *England* trading to the *East Indies*, or their successors; but that all such teas so to be cleared, whether the same have been already, or shall be hereafter, sold by the said company, or their successors, shall be and are hereby freed and discharged, during the said term, from the said inland duty.

The inland duty of 1s. per pound discontinued for the term of 5 years, upon all black or *singo teas*

cleared for consumption within *Great Britain*, out of the company's warehouses;

II. And it is hereby further enacted by the authority aforesaid, That for and during the like space of five years, to be computed from the fifth day of July, one thousand seven hundred and sixty seven, there shall be drawn back and allowed for all teas exported from this kingdom as merchandize to *Ireland*, or any of the *British* colonies or plantations in *America*, the whole duties of customs payable upon the importation of such teas; which drawback or allowance, with respect to such teas as shall be exported to *Ireland*, shall be made to the exporter in such manner, and under such rules, regulations, securities, penalties, and forfeitures, as any drawback or allowance is now payable out of the duty of customs upon the exportation of foreign goods to *Ireland*; and with respect to such teas as shall be exported to the *British* colonies and plantations in *America*, the said drawback or allowance shall be made in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance payable out of the duty of customs upon foreign goods exported to foreign parts, was, could, or might be, made before the passing of this act (except in such cases as are otherwise provided for by this act.)

and the duties of customs, payable on importation, to be drawn back upon all teas exported as merchandize to *Ireland*, or the *British* colonies in *America*;

III. Provided always, and it is hereby enacted by the authority aforesaid, That the drawback allowed by this act shall not be paid or allowed for any teas which shall not be exported directly from the warehouse or warehouses wherein the same shall be lodged, pursuant to the directions of an act made in the tenth year of the reign of his late majesty King *George* the First.

the said drawback to be paid for such teas only as shall be exported directly from the

warehouses where lodged, pursuant to act 10 Geo. 1.

And if, upon an annual state of the accounts as here directed to be made up, there shall appear, upon an average taken for 5 years preceding, any diminution in the revenues by discontinuance of the said duty, and allowance of the said drawback, during the said term; the company is to make good the deficiency.

IV. *And, for making good any diminution which may happen in the revenues of customs and excise by the discontinuance of the said duty, and the allowance of the said drawback, during the term aforesaid; be it enacted by the authority aforesaid, That on or before the first day of September, one thousand seven hundred and sixty eight, and on or before the first day of September in each of the four succeeding years, a true and exact account shall be taken, stated, and made up, by the proper officers of the customs and excise respectively, of the net produce of all the duties of customs for and in respect of teas sold by the said company, or their successors; and also of the net produce of the duties of excise upon teas cleared out of the warehouses belonging to the said company, or their successors; within the year, ending the fifth day of July immediately preceding the taking, stating, and making up, such account; and that a sum, which shall be equal to the annual net produce of the duties of customs paid upon the importation of teas which were exported to Ireland and the British colonies and plantations in America, upon an average for five years preceding the fifth day of July, one thousand seven hundred and sixty seven, shall be deducted from the total of the net produce, so stated, of the said duties of customs and excise in the said account, for the year ending the said fifth day of July, one thousand seven hundred and sixty eight, and for each of the said four succeeding years respectively: and if, after such deduction shall have been made, the remaining sum shall not amount to such a sum as shall be equal to the annual net produce of all the duties of customs for and in respect of teas sold by the said company; and also to the annual net produce of the duties of excise upon teas cleared out of the warehouses of the said company, on an average for five years preceding the said fifth day of July, one thousand seven hundred and sixty seven; then, and in every such case, from time to time, as often as such case shall so happen, the said company, or their successors, within forty days after a copy of such yearly account respectively shall have been delivered to their chairman, deputy chairman, secretary, cashier, or accomprant general, shall advance and pay, for every such year respectively, into the receipt of his Majesty's exchequer, for his Majesty's use, such sum of money as shall, with the monies remaining in such respective annual account after the deduction aforesaid shall have been made, amount to such a sum as shall be equal to the annual net produce of all the said duties of customs and excise upon teas, on the said average of five years preceding the said fifth day of July, one thousand seven hundred and sixty seven; so as the money to be paid by the said company, or their successors, in pursuance of this act, shall not, in any one of the said five years, exceed such a sum as shall be equal to the annual net amount of the said inland duty of one shilling per pound weight upon teas cleared from the warehouses of the said company, for consumption within Great Britain; and also to the annual net amount of the duties of customs paid on the importation of teas which were exported to Ireland, and the*
British

British colonies and plantations in *America*, upon an average for five years preceding the said fifth day of *July*, one thousand seven hundred and sixty seven.

V. And be it further enacted by the authority aforesaid, That in case the said united company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in any of the payments hereby directed, required, or appointed to be made into the receipt of his Majesty's exchequer, in the manner, or on or before the respective times herein before limited or appointed for that purpose; that then, from time to time, as often as such case shall so happen, the money, whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare that the said united company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to his Majesty's use, against the said united company of merchants of *England* trading to the *East Indies*, or their successors, damages, after the rate of twelve pounds *per centum per annum*, for the respective monies so unpaid, contrary to this act, together with full costs of suit; and the said united company, and their successors, and all their stock, funds, and all other their estate and property whatsoever and wheresoever, shall be, and are hereby made subject and liable to the payment of such monies, damages, and costs.

On failure of any payment by the company,

the money to be recovered by action of debt, in any of the courts at Westminster,

with damages after the rate of 12l. per cent. and full costs of suit.

The company's stock and funds, &c: are made liable thereto.

VI. And be it further enacted by the authority aforesaid, That all the monies which shall be paid into the receipt of his Majesty's exchequer, in pursuance of this act, shall be applied to such uses and purposes, and in such proportions, as the present duties on teas are now made applicable.

The monies to be applied as the present duties.

VII. And whereas by an act made in the twenty first year of the reign of his late Majesty, intituled, An act for permitting tea to be exported to *Ireland*, and his Majesty's plantations in *America*, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament; it is enacted, That from and after the first day of June, one thousand seven hundred and forty eight, no tea should be exported to the kingdom of *Ireland*, or to any of his Majesty's plantations in *America*, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into Great Britain, nor in any less quantities than in the intire lot or lots in which the same was sold at the sale of the said united com-

Clause in act 21 Geo. 2.

prohibiting the exportation of tea in any less quantity than one intire lot,

company, under the penalty of the forfeiture of such tea, and the package containing the same: and whereas the prohibiting the exportation of tea in any less quantity than one intire lot, has been very inconvenient to merchants and traders, and tends to discourage the exportation of tea to Ireland, and the said colonies; be it therefore enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty seven, the said recited clause shall be, and is hereby, repealed.

repealed.

No tea to be exported to Ireland, or America, but in the original packages; nor in a less quantity than the whole quantity contained in such package at the company's sale; on forfeiture thereof; to be recovered and applied as act 21 Geo. 2. directs.

Teas exported under this act discharged of the inland duties of excise.

Confiscated teas to be sold, and delivered out for exportation only;

and in packages containing not less than 50 pound, subject to such other regulations as are here mentioned.

VIII. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty seven, no tea shall be exported to the kingdom of Ireland, or to any of his Majesty's plantations in America, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into Great Britain; nor in any less quantity than the whole and intire quantity contained in any chest, cask, tub, or package, in which the same was sold at the publick sale of the united company of merchants of England trading to the East Indies; under the penalty of the forfeiture of such tea, and the package containing the same, which shall and may be seized by any officer of the customs; and such forfeiture shall be recovered and applied in such and the same manner, as any of the penalties or forfeitures mentioned in the said act, made in the twenty first year of the reign of his late Majesty, are thereby directed to be recovered and applied; and all tea exported under the authority of this act is hereby freed and discharged from the payment of the inland duties of excise, in such and the same manner, and shall be subject to the same rules and regulations, as are mentioned, appointed, and prescribed by the said act, in relation to tea exported by virtue thereof.

IX. And be it enacted by the authority aforesaid, That from and after the twenty fourth day of July, one thousand seven hundred and sixty seven, all teas which shall be seized and condemned for being illegally imported, or for any other cause, shall not be sold for consumption within this kingdom, but shall be exported to Ireland, or to the British colonies in America; and that no such teas, after the sale thereof, shall be delivered out of any warehouse belonging to his Majesty, otherwise than for exportation as aforesaid; or be exported in any package containing a less quantity than fifty pounds weight; which exportation shall be made in like manner, and under the same rules, regulations, penalties, and forfeitures, except in respect to the allowance of any drawback, as are by this act prescribed, appointed, and inflicted, in relation to the exportation of teas sold by the said company; and upon the like bond and security as is required by the said act made in the twenty first year of the reign of his late majesty King George the Second, to be approved of by the commissioners of the customs or excise in England for the time being, or any three of them respectively, or by such person or persons as they shall respectively appoint for that purpose.

X. And be it further enacted by the authority aforesaid, That if

if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, the defendant or defendants in such action or suit shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP. LVII.

An act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for a limited time, by the East India company, in respect of the territorial acquisitions and revenues lately obtained in the East Indies.

WHEREAS the united company of merchants of England trading to the East Indies have proposed, that a temporary agreement should be made in relation to the territorial acquisitions and revenues lately obtained there; and have thereupon offered to pay, for the benefit of the publick, during the term of such agreement, the yearly sum of four hundred thousand pounds, by half-yearly payments: and whereas it may be for the benefit of the publick, and the said company, that a temporary agreement, for the space of two years, should be made in regard of the said territorial acquisitions and revenues: Now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said united company of merchants of England trading to the East Indies, and their successors, shall advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds per annum, for and during the term of two years, to be computed from the first day of February, one thousand seven hundred and sixty seven, by half-yearly payments of two hundred thousand pounds each; which half-yearly payments of two hundred thousand pounds shall become due on the first day of August, and the first day of February, in each year; and shall be made on or before the twenty fifth day of March next ensuing such first day of August, and on the twenty ninth day of September next ensuing such first day of February respectively, in each year; the first of which half-yearly payments shall become due on the first day of August, one thousand seven hundred and sixty seven, and be made on or before the twenty fifth day of March, one thousand seven hundred

Preamble.

East India company to pay into the receipt of the King's exchequer, 400,000l. per annum, for the term of 2 years; by half-yearly payments, of 200,000l. each;

on failure of any of the said payments,

the money to be recovered by action of debt, &c. in any of the courts at Westminster.

with damages, after the rate of 15l. per cent. and full costs of suit; and the company's stock and funds, &c. are made liable thereto. The territorial acquisitions and revenues lately obtained, to remain in the company's possession during the said 2 years; and if they shall be dispossessed by any foreign power, or any part thereof, within that time,

a proportional abatement is to be made in the said annual payments;

and money wrongfully paid, is to be refunded.

hundred and sixty eight; and in case the said united company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in any of the said payments hereby appointed to be made into the receipt of his Majesty's exchequer, on or before the respective days or times herein before limited; that then, from time to time, as often as such case shall so happen, the money, whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, That the said united company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered, to his Majesty's use, against the said united company of merchants of *England* trading to the *East Indies*, or their successors, damages, after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid, contrary to this act, together with full costs of suit; and the said united company, and their successors, and all their stock, funds, and all other their estates and property whatsoever and wheresoever, shall be, and are hereby made, subject and liable to the payment of such monies, damages, and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, That all the said territorial acquisitions and revenues, lately obtained in the *East Indies*, shall remain in possession of the said united company, and their successors, during the said term of two years, to be computed from the said first day of *February*, one thousand seven hundred and sixty seven.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, That if the said united company, or their successors, shall be dispossessed by any foreign power of any part of the said territorial acquisitions or revenues, at any time or times before the expiration of the said term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty seven; then, and in every such case, and as often as such case shall so happen, the payment of the said annual sum of four hundred thousand pounds, for or in respect of the time or times during which the said company, or their successors, shall remain so dispossessed, shall be reduced, in such proportion to the whole of the said annual sum as the net income and profits of the territorial acquisitions and revenues, of which the said company, or their successors, shall have been so dispossessed, shall have borne to the whole of the net income and profits of all the said territorial acquisitions and revenues, upon the average of the year preceding their being so dispossessed; and if it shall happen that any payment or payments shall have been made,

made, for or in respect of any time or times during which the said company, or their successors, shall have been so dispossessed as aforesaid, such proportional part of the monies as shall have been so paid for or in respect thereof, or so much of such proportional part of the said monies as shall not have been appropriated in manner herein after mentioned, shall be repaid and refunded at the said receipt of the exchequer to the said company, or their successors; and, in lieu of the money which shall have been so appropriated, a sum equal thereto shall be paid to the said company, or their successors, out of the fund commonly called *The Sinking Fund*; which payment is hereby charged upon the said fund, and shall be made thereout, after paying or reserving sufficient to pay all previous charges thereupon; any thing herein before contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the monies which shall be paid into the receipt of his Majesty's exchequer, in pursuance of this act, shall be there reserved to be disposed of and appropriated by parliament.

The monies to be reserved for the disposition of parliament.

C A P. LVIII.

An act for granting to his Majesty additional duties on certain foreign linens imported into this kingdom; and for establishing a fund for the encouraging of the raising and dressing of hemp and flax.

WHEREAS the consumption of linens within Great Britain, Preamble.

and the British dominions in America, is greatly increased: and whereas the establishing a proper fund for the encouragement of raising and dressing of hemp and flax, would be a great advantage to the linen manufactures within this kingdom; therefore, we your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, do give and grant to your Majesty, your heirs, and successors, such additional duties on foreign linens to be imported into Great Britain, as are herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; That from and after the first day of August, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the several additional rates and duties following; that is to say,

After 1 Aug. 1767, the several additional rates and duties following are to take place;

For every ell of foreign linen, commonly called *Packing Canvas*, *Spruce Elbing*, or *Queensborough Canvas*, which shall be imported into Great Britain, the sum of one farthing.

And for every ell of foreign linen, commonly called *Dutch Barras*, and *Hessin-Canvas*, which shall be imported into Great Britain, the sum of one halfpenny.

And after those rates for any greater or less quantity of such goods

goods respectively, over and above all other duties imposed thereon by any former act or acts of parliament.

on foreign
lawns, which
are to be en-
tered, and pay
duty, as Sile-
sia lawns;

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty seven, all foreign lawns, imported into *Great Britain*, shall be rated and entered as *Silesia* lawns, and shall pay duty accordingly; and that from and after the said first day of *August*, one thousand seven hundred and sixty seven, there shall also be raised, levied, collected, and paid,

on Holland-
whited lawn.

For every yard of foreign lawn bleached in *Holland*, commonly called *Holland-whited Lawn*, which shall be imported into *Great Britain*, the sum of one penny.

And after that rate for any greater or less quantity, over and above all other duties imposed thereon by any former act or acts of parliament.

Duties to be
paid in ready
money, with-
out any dis-
count;
and to be le-
vied, &c. as
the former
duties.

III. And be it further enacted by the authority aforesaid, That the said duties, granted by this act, shall be paid down in ready money, without any discount or allowance; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are prescribed and appointed for raising, levying, collecting, and paying, the former duties, upon the like goods imported into this kingdom, by any act or acts of parliament now in force, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, respectively relating thereto, were particularly repeated and again enacted in the body of this present act.

Duty to be re-
paid on ex-
portation of
the said goods,
if exported
within three
years.

IV. Provided always, and be it hereby enacted and declared by the authority aforesaid, That in all cases where any goods or merchandizes that have paid the duties hereby granted shall, at any time or times, be again exported by any merchant or merchants within three years from the importation thereof, the duty by this act granted, and which shall have been actually paid for such goods or merchandizes, shall, without delay or reward, be repaid unto such merchant or merchants who shall export the same; under the same rules, regulations, restrictions, penalties, and forfeitures, as are prescribed and directed by any act or acts of parliament with respect to any former drawback upon such goods.

Money arising
by these du-
ties to be
paid apart in-
to the ex-
chequer;
and a sum
thereout, not
exceeding
15,000 l. per
ann. to be
kept as a
fund for en-

V. And be it further enacted by the authority aforesaid, That the money arising by the several rates and duties herein before granted (except the necessary charges of raising, collecting, recovering, and paying, the same) shall, from time to time, be respectively paid into the receipt of his Majesty's exchequer distinctly and apart from all other branches of the public revenue; and that a sum, not exceeding fifteen thousand pounds *per annum*, arising from the said duties, shall be kept apart in the said receipt, as a fund for the encouragement of raising and dressing hemp and flax in this kingdom, in such way and manner as the

par-

parliament shall hereafter direct; and that the remainder of the said several duties shall be reserved in the said receipt for the future disposition of parliament.

couraging
raising and
dressing hemp
and flax.

Remainder to be reserved for disposition of parliament.

C A P. LIX.

An act for restraining and prohibiting the governor, council, and house of representatives, of the province of New York, until provision shall have been made for furnishing the King's troops with all the necessaries required by law, from passing or assenting to any act of assembly, vote, or resolution, for any other purpose.

WHEREAS an act of parliament was made in the fifth year of his present Majesty's reign, intituled, An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters; wherein several directions were given, and rules and regulations established and appointed, for the supplying his Majesty's troops, in the British dominions in America, with such necessaries as are in the said act mentioned during the continuance thereof, from the twenty fourth day of March, one thousand seven hundred and sixty five, until the twenty fourth day of March, one thousand seven hundred and sixty seven: and whereas the house of representatives of his Majesty's province of New York in America have, in direct disobedience of the authority of the British legislature, refused to make provision for supplying the necessaries and in the manner required by the said act; and an act of assembly hath been passed, within the said province, for furnishing the barracks in the cities of New York and Albany with firewood and candles, and the other necessaries therein mentioned, for his Majesty's forces, inconsistent with the provisions, and in opposition to the directions, of the said act of parliament: and whereas by an act made in the last session, intituled, An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, the like directions, rules, and regulations, were given and established, for supplying with necessaries his Majesty's troops within the said dominions during the continuance of such act, from the twenty fourth day of March, one thousand seven hundred and sixty six, until the twenty fourth day of March, one thousand seven hundred and sixty eight; which act was, by an act made in this present session of parliament, intituled, An act for further continuing an act of the last session of parliament, intituled, An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, further continued until the twenty fourth day of March, one thousand seven hundred and sixty nine: In order there-**

Preamble, re-
citing acts
5 Geo. 3.

6 Geo. 3.

and 7 Geo. 3.

fore to enforce, within the said province of *New York*, the supplying of his Majesty's troops with the necessaries and in the manner required by the said acts of parliament; may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *October*, one thousand seven hundred and sixty seven, until provision shall have been made by the said assembly of *New York* for furnishing his Majesty's troops within the said province with all such necessaries as are required by the said acts of parliament, or any of them, to be furnished for such troops, it shall not be lawful for the governor, lieutenant governor, or person presiding or acting as governor or commander in chief, or for the council for the time being, within the colony, plantation, or province, of *New York* in *America*, to pass, or give his or their assent to, or concurrence in, the making or passing of any act of assembly; or his or their assent to any order, resolution, or vote, in concurrence with the house of representatives for the time being within the said colony, plantation, or province; or for the said house of representatives to pass or make any bill, order, resolution, or vote, (orders, resolutions, or votes, for adjourning such house only, excepted) of any kind, for any other purpose whatsoever; and that all acts of assembly, orders, resolutions, and votes whatsoever, which shall or may be passed, assented to, or made, contrary to the tenor and meaning of this act, after the said first day of *October*, one thousand seven hundred and sixty seven, within the said colony, plantation, or province, before and until provision shall have been made for supplying his Majesty's troops with necessaries as aforesaid, shall be, and are hereby declared to be, null and void, and of no force or effect whatsoever. necessaries required by the recited act; and all acts of assembly, &c. contrary hereof, after 1 Oct. 1767, are declared void.

The governor and council prohibited to pass or assent to any act of assembly,

or any vote or resolution of the house of representatives; and the said house likewise prohibited to pass or make any vote or resolution, except for adjournment, until provision be made by them for furnishing the King's troops with all the contrary to the

except as to the choice and approbation of a speaker of the house.

II. Provided nevertheless, and it is hereby declared to be the true intent and meaning of this act, That nothing herein before contained shall extend, or be construed to extend, to hinder, prevent, or invalidate, the choice, election, or approbation, of a speaker of the house of representatives for the time being within the said colony, plantation, or province.

C A P. LX.

An act for repairing and widening several roads in the county of Brecon.

C A P. LXI.

An act to enlarge the term and powers of two acts passed in the thirteenth year of King George the First, and the seventeenth of his late Majesty, for repairing the road from Cranford Bridge, in the county of Middlesex, to that end of Maidenhead Bridge which lies in the county of Bucks; and for amending the road from Slough, to a certain place in Eton, and from Langley Broom, to Datchet Bridge, in the county of Buckingham.

An

C A P. LXII.

An act to continue the term, and render more effectual an act passed in the thirty first year of his late Majesty, for amending several roads leading from the town of Tiverton, in the county of Devon; and for repairing and widening the road from Bickley Bridge Cross, over Bickley Bridge, to the sign of the Swan, in the town of Silverton; and also the road from Bickley Wood Cross, to Ford Village Water, in the said county.

C A P. LXIII.

An act for building a bridge cross the river Thames, from Swynford in the county of Berks, to Eynham in the county of Oxford.

C A P. LXIV.

An act for enlarging the term and powers granted by an act passed in the twenty second year of his late Majesty King George the Second, for opening and making a new road from the east end of New Street, in the parish of Saint John, Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the future; and for repairing several other roads adjoining thereto.

C A P. LXV.

An act for continuing, altering, and amending, two acts of parliament, of the twelfth of King George the First, and of the tenth of his late Majesty, for repairing several roads leading into the city of Worcester; and for amending several other roads near or adjoining thereto.

C A P. LXVI.

An act for repairing and widening the road from the west end of Thames Street, in the city of Oxford, over Botley Causeway, to the turnpike road near Fifield, in the county of Berks.

C A P. LXVII.

An act for amending, repairing, and widening, several roads in the counties of Radnor and Hereford.

C A P. LXVIII.

An act for amending and widening the road leading from the Bell-Inn at Northfield, in the county of Worcester, to the Wootton Turnpike, in the great turnpike road leading from Stratford upon Avon, in the county of Warwick, to Birmingham in the same county.

C A P. LXIX.

An act for rebuilding the parish church of Saint Martin, within the city of Worcester.

C A P. LXX.

An act for enlarging the term and powers granted by an act passed in the eighteenth year of his late Majesty, for repairing the road from the town of Kingston upon Hull, to and through the town of Anlaby, and from thence to the town of Kirk Ella, in the county of the said town of Kingston upon Hull.

C A P. LXXI.

An act to enlarge the term and powers of an act passed in the eighteenth year of King George the Second, for repairing the road from

Annō septimo; GEORGE III. C. 72-79. [1766.

from Sacred Gate, on the south-west side of the town of Hedon, in the east riding of the county of York, through the said town, to Hull-North Bridge; and for amending the road from the present through-bar in Wyton Holmes, through the townships of Wyton and Sproatley, to the guide post in Flinton Lane, near Humbleton Moor House, in the same riding.

C. A. P. LXXII.

An act for the better and more effectual maintenance and relief of the poor of the borough and parish of Queenborough, in the county of Kent.

C. A. P. LXXIII.

An act for building a bridge cross Stonehouse creek, from Stonehouse to Plymouth dock, in the county of Devon.

C. A. P. LXXIV.

An act for enlarging the term and powers granted by two acts of parliament, of the third of King George the First, and the eleventh of his late Majesty, for enabling the parishioners of Saint Mary Rotherhith, in the county of Surrey, by certain funeral rates therein mentioned, to finish the said parish church, and for purchasing an additional burial ground, and to enable them to raise money for purchasing the present parsonage house, and converting the site thereof into a burial ground, and for providing a new parsonage house.

C. A. P. LXXV.

An act for the more effectual repairing, widening, and rendering commodious the highways within the parish of Ealing, in the county of Middlesex; and for lighting the street in Old Brentford within the said parish, from the turning towards Kew-Bridge, to a street called The Half Acre.

C. A. P. LXXVI.

An act for continuing the term of several acts for repairing the road between Wymondham and Attleborough, in the county of Norfolk; and for amending the road from the end of the town close, in the county of the city of Norwich to the chalk pits near Thetford, in the said county of Norfolk.

C. A. P. LXXVII.

An act for repairing and widening the road from Spernal Ash, in the county of Warwick, through Studley, to a street called Digbeth, in the town of Birmingham.

C. A. P. LXXVIII.

An act for continuing and enlarging the term and powers of so much of two acts made in the twelfth year of the reign of King George the First, and in the twelfth year of the reign of King George the Second, for repairing the road from Spittlegate Hill, near Grantham, in the county of Lincoln, to Little Drayton, in the county of Nottingham, as relates to the road leading from Foston Bridge, in the county of Lincoln, to Little Drayton, in the county of Nottingham.

C. A. P. LXXIX.

An act for continuing and enlarging the term and powers of so much of an act made in the thirty second year of the reign of his late majesty

majesty King George the Second, for repairing and widening the roads from Grantham in the county of Lincoln, through Botteford and Bingham, to Nottingham Trent Bridge, and from Chappel Bar, near the west end of the town of Nottingham, to Saint Mary's Bridge, in the town of Derby; and from the guide post in the parish of Lenton, to Sawley Ferry; as relates to the road leading from Grantham to Nottingham Trent Bridge.

CAP. LXXX.

An act for enlarging the term and powers granted by an act of the second year of the reign of his present Majesty, for erecting and building two new churches, and providing burial places, in the town and parish of Liverpoole, in the county palatine of Lancaster.

CAP. LXXXI.

An act for repairing and widening the road from the turnpike road at Hatton, near the borough of Warwick, through King's Norton, in the county of Worcester; and to the upper end of Gannow Green, in the parish of Bromsgrove, and to the Bell Inn, in the parish of Bell Broughton, in the said county of Worcester.

CAP. LXXXII.

An act to explain, alter, and amend, an act for repairing and widening several roads leading from between the second and third mile stones on the turnpike road between the town and county of Poole and Winborne Minster, in the county of Dorset, to Bratton Corner, in the county of Somerset; and for repairing and widening the road from the turnpike road in Brainston, to or near a house called Fontleroy's Farm House, in the county of Dorset.

CAP. LXXXIII.

An act for repairing and widening the road from Shaddon Gate, near Carlisle, to the present turnpike road at Mulaside; and from a place in the said turnpike road, between Binsey Mires and North Raw Gate, to join the turnpike road at Skillbeck, in the county of Cumberland.

CAP. LXXXIV.

An act for repairing the roads from Tunbridge Wells, in the county of Kent, to Swift's Den, in the parish of Etchingham; and from Frant to Possingworth Great Wood, adjoining to the turnpike road there, leading to Blackboys, in the county of Sussex.

CAP. LXXXV.

An act for paving the streets and other places in that part of the parish of Saint Botolph Aldgate which lies in the county of Middlesex, and part of a street called East Smithfield in the precinct of Saint Catherine; and for cleansing, lighting and watching the same, and preventing obstruction and annoyances therein.

CAP. LXXXVI.

An act for repairing, widening, and keeping in repair, the road leading from the high road between Bromley and Farnborough, in the county of Kent, to Beggars Bush, in the turnpike road leading from Tunbridge Wells to Maresfield, in the county of Sussex.

CAP.

CAP. LXXXVII.

An act to explain, amend, and render more effectual, an act made in the fifteenth and seventeenth years of King Charles the Second, intituled, An act for making divers rivers navigable, or otherwise passable, for boats, barges, and other vessels, so far as the same relates to the river Itching, running from Alresford, through Winchester, to the sea, near Southampton, and for better regulating the said navigation.

CAP. LXXXVIII.

An act to continue and render more effectual several acts of parliament for repairing the high ways from that part of Counter's Bridge which lies in the parish of Kensington, in the county of Middlesex, leading through the towns of Brentford and Hounslow, to the powder mills, in the road to Staines; and to Cranford Bridge, in the said county, in the road to Colnbrook; and for repairing, turning, or altering, the highway leading from the said road, at or near the end of Sion Lane, to the town of Isleworth, in the said county, and from thence to a gate on the south side of Teddington Field; and also the highway leading out of the said great road, near Smallberry Green turnpike, to a house known by the sign of The George, in the town of Isleworth aforesaid; and for lighting and watering part of the said highways.

CAP. LXXXIX.

An act to repair and widen the road from Whitecross, to the town of Bridlington, in the east riding of the county of York.

CAP. XC.

An act for continuing the duty of two pennies Scots, or a sixth part of a penny sterling, upon every Scots pint of ale, or beer which shall be brewed for sale, brought into, tapped, or sold within the town of Burrowstounness and liberties thereof, in the county of Linlithgow, and for extending the same over the parish of Burrowstounness; for repairing the harbour of the said town, and other purposes therein mentioned.

CAP. XCI.

An act for repairing and widening the road from the brick kilns on East Malling Heath, to the turnpike road on Pembury Green, and from Brand Bridges to the Four Wents, near Matfield Green, in the county of Kent.

CAP. XCII.

An act to repair and widen the roads from Whitchurch, in the county of Salop, to the turnpike road between Nantwich, in the county of Chester, and Newcastle under Line; and from Hinstock to Nantwich aforesaid.

CAP. CXIII.

An act for making navigable the river Ure, from its junction with the river Swale, to the borough of Ripon, in the county of York.

CAP. XCIV.

An act for enlarging the term and powers of an act made in the fourteenth year of the reign of his late Majesty, intituled, An act for repairing the road from Doncaster, through the parish of Peñistōn, in the county of York, to Salter's Brook, in the county of

of Chester; and also the road from Rotherham, in the said county of York, to Hartcliffe Hill, in the said parish of Peniston; and for making the said act more effectual, so far as the same relates to the said road between Rotherham and Hartcliffe Hill.

CAP. XCV.

An act for making navigable a brook called Codbeck, from the river Swale, to the borough of Thirsk, in the county of York.

CAP. XCVI.

An act for making navigable the river Ouse, from Widdington Ings, at or near Linton, to the junction of the rivers Swale and Ure; and for making navigable the said river Swale, from the said junction, to Morton Bridge, and also the brook running from Bedale, into the river Swale, in the county of York.

CAP. XCVII.

An act for improving the navigation of the river Hull and Frodingham Beck, from Ake Beck Mouth, to the clough on the east corner of Fisholme; and for extending the said navigation from the said clough, into or near the town of Great Driffield, in the east riding of the county of York.

CAP. XCVIII.

An act for the more effectual draining the lands lying in the level of Ancholme, in the county of Lincoln, and making the river Ancholme navigable from the river Humber, at or near a place called Ferraby Sluice, in the county of Lincoln, to the town of Glamford Briggs; and for continuing the said navigation up or near to the said river, from thence to Bishop Briggs, in the said county of Lincoln.

CAP. XCIX.

An act for establishing and well-governing a general hospital to be called Addenbrooke's hospital in the town of Cambridge.

CAP. C.

An act to amend an act made in the fifth year of his present Majesty, for amending the road from Chatteris Ferry, through Chatteris and March to Wisbech Saint Peter's; and from thence to Tide Gote in the isle of Ely; and from Wisbech aforesaid, through Outwell to Downham Bridge, in the county of Norfolk; and for repealing the several acts for repairing the said road between Wisbech and March; and also for charging certain lands in Waldersea, and on Wisbech South Side, towards the repairs of the Waldersea, and South Side Banks, which before the passing of the said act, were liable to such repairs.

CAP. CI.

An act to continue and render more effectual several acts of parliament, for repairing the roads in the parishes of Kennington, Chelsea, and Fulham, and other parishes therein mentioned, in the county of Middlesex; and for lighting and watering the said roads; and for paving the street and highway and footways in Kennington; and for lighting and watching the same, and the courts and alleys adjoining thereto.

CAP. CII.

An act to continue and render more effectual three acts for repairing the

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the highway, between Tyburn and Uxbridge, in the county of Middlesex; and for amending the road leading from Brent bridge over Hanwell heath, through the parishes of Hanwell, New Brentford, and Ealing, to the great western road, in the said county; and for lighting, watching, and watering the highway between Tyburn and Kensington Gravel Pits.

CAP. CIII.

An act for repairing and widening the road leading from the turnpike road in the town of Tenderden to and over Bull Green, and to and through the town of Great Chart to a house known by the sign of the Castle at the entrance of the town of Ashford, in the county of Kent; and also the road leading from Bull Green aforesaid to Hothfield Heath; and also the road leading from Bull Green aforesaid, through High Halden, to Dashmanden in the parish of Biddenden, in the said county of Kent.

CAP. CIV.

An act for repairing and widening the road from Marchwiell in the county of Denbigh, through Bangor, Worthenbury and Hammer, in the county of Flint, to a house in the possession of Thomas Jenks, in Dodington, in the parish of Whitchurch, in the county of Salop, and from Bangor aforesaid to Malpas, in the county of Chester, and from Redbrook to Hampton in the said county of Salop.

CAP. CV.

An act to enlarge the term and powers of an act made in the twentieth year of King George the Second, for making a road from the east side of the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, to the east end of Church-street, and to open a way into Shoreditch, and for repairing, paving, and regulating, Old Cock-lane, New Cock-lane, Church-street, and the road on the west side of the opening into Shoreditch, and for removing nuisances and obstructions therefrom, and preventing the same for the future.

CAP. CVI.

An act for repairing and widening several roads in the county of Ayr.



The END of the Twenty Seventh Volume.







